

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:12-47928 Alicia A Telles

Chapter 13

#1.00 Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK, NA.
vs
DEBTOR

Docket 67

***** VACATED *** REASON: Voluntary dismissal of motion filed on
10/7/16 [dkt. 72]**

Tentative Ruling:

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 69).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Alicia A Telles

Represented By
Tamar Terzian

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Robert P Zahradka

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-14058 Florence Annette Reed

Chapter 13

#2.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 32

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Florence Annette Reed

Represented By
Matthew D Resnik

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Florence Annette Reed

Chapter 13

Movant(s):

The Bank of New York Mellon FKA

Represented By
Erica T Loftis

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-21038 Sylvia Renee Reynolds

Chapter 13

#3.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 29

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Notices. Grant the request to be excused from the notice requirements of FRBP 3002.1(b) & (c).

(3) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Sylvia Renee Reynolds

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Sylvia Renee Reynolds

Matthew D Resnik

Chapter 13

Movant(s):

The Bank Of New York Mellon

Represented By
Brandye N Foreman
Robert P Zahradka

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-13856 Cintrilla Bland

Chapter 13

#4.00 Hrg re: Motion for relief from stay [RP]

STEARNS LENDING, LLC
vs
DEBTOR

Docket 34

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Cintrilla Bland

Represented By
R Grace Rodriguez

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Cintrilla Bland

Chapter 13

Movant(s):

Stearns Lending, LLC

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-18505 King Anthony Sparks

Chapter 13

#5.00 [CASE DISMISSED ON 9/23/16]

Hrg re: Motion for relief from stay [RP]

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 23

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... King Anthony Sparks

Chapter 13

Debtor(s):

King Anthony Sparks

Represented By
Philomena N Nzegge

Movant(s):

U.S. Bank National Association, as

Represented By
Robert P Zahradka

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-20875 Octavio Campos

Chapter 13

#6.00 Hrg re: Motion for relief from stay [RP]

WELLS FARGO BANK
vs
DEBTOR

Docket 14

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii)

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Los Angeles
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CONT... Octavio Campos

Chapter 13

the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Octavio Campos

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Erica T Loftis

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-21158 Trent Derwin Von-Lee

Chapter 13

#7.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 13

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

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10:00 AM

CONT... Trent Derwin Von-Lee

Chapter 13

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Trent Derwin Von-Lee

Pro Se

Movant(s):

The Bank of New York Mellon FKA

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-21198 Cindy H Jung

Chapter 13

#8.00 [CASE DISMISSED ON 09/07/2016]

Hrg re: Motion for relief from stay [RP]

DEUTSCHE BANK NATIONAL TRUST COMPANY
vs
DEBTOR

Docket 12

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 U.S.C. 349(b)(3) & 362(c). The movant's request for relief under 11 U.S.C. 362(d)(4) is also addressed below because in rare instances dismissals are vacated.

(2) Relief applicable to future bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Cindy H Jung

Chapter 13

interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See *generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(3) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Cindy H Jung

Pro Se

Movant(s):

Deutsche Bank National Trust

Represented By
Christina J O

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-21714 Chris Prane

Chapter 13

#9.00 Hrg re: Motion for relief from stay [RP]

THE BANK OF NEW YORK MELLON
vs
DEBTOR

Docket 7

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Chris Prane

Chapter 13

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Chris Prane

Pro Se

Movant(s):

THE BANK OF NEW YORK

Represented By
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-10608 Dinah Phillips

Chapter 13

#10.00 Hrg re: Motion for relief from stay [PP]

CAPITAL ONE AUTO FINANCE
vs
DEBTOR

Docket 39

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Dinah Phillips

Pro Se

Movant(s):

Capital One Auto Finance, a division

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Dinah Phillips

Timothy J Silverman

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-12840 Arcadio Garcia Huerta and Luisa Lopez-Huerta

Chapter 13

#11.00 Hrg re: Motion for relief from stay [PP]

SANTANDER CONSUMER USA INC
vs
DEBTOR

Docket 30

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Arcadio Garcia Huerta

Represented By
Barry E Borowitz

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Arcadio Garcia Huerta and Luisa Lopez-Huerta

Chapter 13

Joint Debtor(s):

Luisa Lopez-Huerta

Represented By
Barry E Borowitz

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-19481 Mildred Dionisio

Chapter 13

#12.00 Hrg re: Motion for relief from stay [PP]

CAPITAL ONE AUTO FINANCE
vs
DEBTOR

Docket 19

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Mildred Dionisio

Represented By
Daniel King

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Mildred Dionisio

Chapter 13

Movant(s):

Capital One Auto Finance, A

Represented By
Timothy J Silverman

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-22168 William Joseph Ketterer

Chapter 13

#13.00 Hrg re: Motion for relief from stay [UD]

237 COMMERCIAL LLC
vs
DEBTOR

Docket 7

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

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Hearing Room 1545

10:00 AM

CONT... William Joseph Ketterer

Chapter 13

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). *See generally In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

William Joseph Ketterer

Pro Se

Movant(s):

237 Commercial LLC/Adam

Represented By
Carol G Unruh

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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2:16-22168 William Joseph Ketterer

Chapter 13

#14.00 Hrg re: Motion for relief from stay [UD]

MELENCORP
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to *future* bankruptcy cases ("in rem" relief).

If this order is duly recorded in compliance with any applicable State laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive

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CONT... William Joseph Ketterer

Chapter 13

possession of such property shall not be stayed.

Such relief is granted on the following alternative grounds: (a) under 11 U.S.C. 362(d)(4) if the movant is either (i) the holder of a deed of trust/mortgage secured by real property that is the subject of the motion, (ii) the purchaser of such property at a foreclosure sale, or (iii) a successor in interest who stands in the shoes of such persons; (b) under the court's authority to grant appropriate relief under 11 U.S.C. 105(a) and 362(d) (regardless whether the movant is a "creditor" or whether real property or personal property is at issue); and (c) under the court's inherent authority combined with 11 U.S.C. 362(d) (same). See generally *In re Choong* (case no. 2:14-bk-28378-NB, docket no. 31) (distinguishing *In re Ellis*, 523 B.R. 673 (9th Cir. BAP 2014), and explaining alternative grounds for "in rem" relief).

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

William Joseph Ketterer

Pro Se

Movant(s):

Melencorp, a California Corporation

Represented By
Carol G Unruh

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

2:16-21858 Olatunde Okon Ladomi

Chapter 13

#15.00 Hrg re: Motion for relief from stay [UD]

TRINITY FINANCIAL SERVICES, LLC
vs
DEBTOR

Docket 8

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

Key documents reviewed (in addition to motion papers): debtor's opposition (dkt. 10).

Reasons. The debtor asserts that he attempted to make payments but was not able to do so because after the loan was transferred he was not provided with the new address for payments, nor was he notified of the foreclosure sale, and he has brought an action in State court in which he seeks a temporary restraining order ("TRO") and other relief. Assuming that the debtor's allegations are true (for the sake of discussion), the movant is still entitled to adequate protection of its interests, and the debtor has not presented evidence that he can provide such protection.

For example, the debtor does not allege that every time a payment came due, and he (allegedly) was unable to find an address for payment, he responded by putting the funds aside into a separate account to be paid to the lender once he obtained an address for payments, and those funds are available now so that the movant will not be prejudiced if it ultimately prevails in State court. It is no answer to say that there is equity in the property (as the debtor appears to allege) because (a) there is no evidence to support that allegation and (b) the movant, if it prevails in State court, is entitled to that equity, and is entitled to it right now.

If anything, the debtor's response is all the more reason that the

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CONT... Olatunde Okon Ladomi

Chapter 13

automatic stay should be lifted to let the parties litigate the merits of their disputes in State court. That said, it also appears appropriate not to waive the 14 day stay of the order so that the debtor will have a very brief time in which to attempt to obtain a TRO or other relief in State court.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for the reasons stated above.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Olatunde Okon Ladomi

Pro Se

Movant(s):

Trinity Financial Services, LLC

Represented By
Julie A Esposito

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-21746 Suzy Dempsey

Chapter 13

#16.00 Hrg re: Motion for relief from stay [UD]

EQUITY RESIDENTIAL MANAGEMENT, LLC
vs
DEBTOR

Docket 7

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling. See LBR 9021-1(b)(1)(B).

(1) There is no stay, due to dismissal. See 11 USC 349(b)(3) & 362(c). Termination of the stay is also addressed below because in rare instances dismissals are vacated.

(2) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(3) Relief applicable to future bankruptcy cases ("in rem" relief). Deny request for *in rem* relief for lack of court authority and/or lack of cause shown.

(4) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's

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CONT... Suzy Dempsey

Chapter 13

Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Suzy Dempsey

Pro Se

Movant(s):

EQUITY RESIDENTIAL

Represented By
Agop G Arakelian

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-21561 Edgar Pinela

Chapter 13

#17.00 CASE DISMISSED ON 10/6/16

Hrg re: Motion for relief from stay [UD]

GEORGE INSEN

VS

DEBTOR

Docket 10

Tentative Ruling:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1) and (d)(2). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Edgar Pinela

Pro Se

**United States Bankruptcy Court
Central District of California
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CONT... Edgar Pinela

Chapter 13

Movant(s):

George Insen

Represented By
Joseph Cruz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:14-14043 Mario O Retana and Sandra Del Socorro Murillo

Chapter 13

#18.00 Hrg re: Motion for relief from stay [NA]

VILMA LOPEZ ECHEVERRIA
vs
DEBTOR

Docket 80

Tentative Ruling:

Deny. Appearances are not required.

Proposed order: The debtors are directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

Key documents reviewed (in addition to motion papers): debtor's opposition (dkt. 82, 83).

Analysis:

The Bankruptcy Court "shall grant relief from the stay" upon a showing of "cause." 11 U.S.C. 362(d)(1). "'Cause' is determined on a case-by-case basis." *In re Tucson*, 912 F.2d 1162, 1166 (9th Cir.1990). In determining whether "cause" exists to grant relief from the automatic stay to allow a movant to pursue litigation in a non-bankruptcy forum, courts in the Ninth Circuit have examined the factors set forth in *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004). Those factors are: (1) Whether the relief will result in a partial or complete resolution of the issues; (2) The lack of any connection with or interference with the bankruptcy case; (3) Whether the foreign proceeding involves the debtor as a fiduciary; (4) Whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) Whether the action essentially involves third

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CONT... Mario O Retana and Sandra Del Socorro Murillo

Chapter 13

parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question; (7) Whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) The interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) Whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) The impact of the stay on the parties and the "balance of hurt." *Plumberex*, 311 B.R. at 559. "[W]hile the *Curtis* factors are widely used to determine the existence of 'cause,' not all of the factors are relevant in every case, nor is a court required to give each factor equal weight." *In re Landmark Fence Co., Inc.*, 2011 WL 6826253 at *4 (C.D. Cal. Dec. 9, 2011).

Based on the record presented, and contrary to the movant's assertions, the most significant factors are that there would be minimal potential benefit to the movant and substantial prejudice to the bankruptcy estate due to the cost of litigating this matter in State court. The debtor has presented evidence that there is no insurance coverage, because the carrier has noted that the policy was not in effect at the relevant time (dkt. 82, Ex. P&Q, at Appendix 6, PDF pp. 1-4). The debtor asserts that the time to assert nondischargeability has already expired, which appears to be true (and the movant has not established the contrary). Therefore the only benefits from granting relief from the automatic stay would be that (a) the movant could liquidate her general unsecured claim - but that is of minimal if any benefit because the anticipated dividend to general unsecured creditors is minimal if anything, and (b) if this chapter 13 case were to fail - *i.e.*, if the debtors were to be unable to complete their chapter 13 plan, as it may be amended from time to time (11 U.S.C. 1329), and if they also were not to obtain a "hardship discharge" (11 U.S.C. 1328(b)) - then it is conceivable that the movant would be able to pursue the debtors for the entire dollar amount of any judgment, if they prevailed at trial. But the expense of litigating the action in State court (especially if there were to be a jury trial), far outweighs this speculative, contingent benefit to the movant. In addition, the debtor has adequately rebutted the movant's assertion that this bankruptcy case is essentially a two party dispute (which is a much more minor issue in the circumstances of this

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CONT... **Mario O Retana and Sandra Del Socorro Murillo**
case, but one that this court still considers).

Chapter 13

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Mario O Retana

Represented By
Michael F Frank

Joint Debtor(s):

Sandra Del Socorro Murillo

Represented By
Michael F Frank

Movant(s):

Vilma Lopez Echeverria

Represented By
Ronda Baldwin-Kennedy

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-22175 Rafael Penilla, Jr

Chapter 13

#19.00 Hrg re: Motion in Individual Case for Order
Imposing a Stay or Continuing the Automatic
Stay as the Court Deems Appropriate

Docket 11

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required.

After the hearing date the Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this court provides the foregoing simple process for reconsideration.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

CONT... Rafael Penilla, Jr

Chapter 13

Debtor(s):

Rafael Penilla Jr

Represented By
Marcus Gomez

Movant(s):

Rafael Penilla Jr

Represented By
Marcus Gomez

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-22404 Jose Manuel Rivera and Marianne Alice Rivera

Chapter 13

#20.00 Hrg re: Motion in Individual Case for Order
Imposing a Stay or Continuing the Automatic
Stay as the Court Deems Appropriate

Docket 11

Tentative Ruling:

Grant, subject to the following conditions. Appearances are not required.

After the hearing date the Court will prepare an order and the tentative ruling is to include the following language in that order:

The stay of 11 U.S.C. 362(a) applies subject to the following modifications and conditions:

(1) Service and reconsideration. Any party in interest who was not timely served in accordance with FRBP 7004 (incorporated by FRBP 9014(b)) is hereby granted through 14 days after proper service to seek reconsideration, including retroactive relief (under FRBP 9023 and/or 9024). Any such person (a) may set a hearing on 14 days' notice, (b) may appear by telephone (if arrangements are made per Judge Bason's posted procedures), and (c) may present all arguments orally at the hearing (*i.e.*, no written argument is required). If written arguments appear necessary then this court will set a briefing schedule at the hearing.

(2) Reasons. (a) It appears appropriate to impose the automatic stay, and to impose it as to all persons rather than just as to selected persons, because one purpose of the automatic stay is to preventing a "race to collect" that could unfairly advantage some creditors at the expense of others. (b) To prevent possible abuse, this court provides the foregoing simple process for reconsideration.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

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10:00 AM

CONT... Jose Manuel Rivera and Marianne Alice Rivera

Chapter 13

Debtor(s):

Jose Manuel Rivera

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Marianne Alice Rivera

Represented By
Ramiro Flores Munoz

Movant(s):

Marianne Alice Rivera

Represented By
Ramiro Flores Munoz

Jose Manuel Rivera

Represented By
Ramiro Flores Munoz

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:11-62309 Russell Phillip Robinson and Nancy Clara Robinson

Chapter 13

#21.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/13/16

DITECH FINANCIAL LLC
vs
DEBTOR

Docket 57

Tentative Ruling:

Tentative Ruling for 10/11/16 (same as for 9/13/16):

Appearances required. There is no tentative ruling, but the parties should be prepared to address (a) whether the alleged arrears have been brought current and/or (b) whether they will agree to the terms of an adequate protection order (see the debtor's response, dkt. 59).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Russell Phillip Robinson

Represented By
Ali R Nader

Joint Debtor(s):

Nancy Clara Robinson

Represented By
Ali R Nader

Movant(s):

Ditech Financial LLC fka Green

Represented By
Christina J O

**United States Bankruptcy Court
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Hearing Room 1545

10:00 AM

CONT... Russell Phillip Robinson and Nancy Clara Robinson

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:11-62433 Connie Schultz

Chapter 13

#22.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 08/02/16, 9/6/16

THE BANK OF NEW YORK MELLON
VS
DEBTOR

Docket 62

Tentative Ruling:

Tentative ruling for 10/11/16 (same as for 8/2/16 and 9/6/16):

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

This hearing has been continued by stipulation (dkt. 65) and again at the movant's oral request at the hearing on 9/6/16 (apparently to see if an adequate protection order can be worked out). The tentative ruling remains as follows:

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1). Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Grant the request to waive the 14-day stay provided by FRBP 4001(a)(3).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

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10:00 AM

CONT... Connie Schultz

Chapter 13

Party Information

Debtor(s):

Connie Schultz

Represented By
Edmond Nassirzadeh

Movant(s):

The Bank of New York Mellon FKA

Represented By
Erica T Loftis
Mark D Estle

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:12-25014 Maria Graciela Jimenez

Chapter 13

#23.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 8/2/16, 9/13/16

U.S. BANK TRUST, NA
vs
DEBTOR

Docket 65

Tentative Ruling:

Tentative Ruling for 10/11/16 (same as for 9/13/16):

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/13/16 hearing on the motion, this court continued the hearing at the request of the parties to allow them additional time to finalize the terms of a loan modification. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/2/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

There is no tentative ruling, but the parties should be prepared to address the status of the pending loan modification referenced in the debtor's opposition (dkt. 69).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Maria Graciela Jimenez

Chapter 13

Party Information

Debtor(s):

Maria Graciela Jimenez

Represented By
Michael Jay Berger

Movant(s):

U.S. Bank Trust, N.A., as Trustee

Represented By
Merdaud Jafarnia

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-16743 Lisa Elaine Lewis

Chapter 13

#24.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 04/26/16, 5/31/16, 7/5/16, 8/2/16, 9/13/16

MATRIX FINANCIAL SERVICES CORP
VS
DEBTOR

Docket 26

***** VACATED *** REASON: Adequate protection order approving
stipulation signed on 10/4/16 [dkt. 40]**

Tentative Ruling:

Party Information

Debtor(s):

Lisa Elaine Lewis

Represented By
Thomas B Ure

Movant(s):

Matrix Financial Services

Represented By
Brian H Tran
Erin M McCartney

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-19169 Lakanda Monique Horn

Chapter 13

#25.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/6/16

DEUTSCHE BANK NATIONAL TRUST CO
VS
DEBTOR

Docket 49

***** VACATED *** REASON: This Court has issued its order approving
the parties' adequate protection stipulation.**

Tentative Ruling:

Party Information

Debtor(s):

Lakanda Monique Horn

Represented By
Kahlil J McAlpin

Movant(s):

Deutsche Bank National Trust

Represented By
Leslie M Klott
April Harriott
James F Lewin

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-23281 Gerald L MEYER and Victoria A MEYER

Chapter 13

#26.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/6/16

WELLS FARGO BANK, NA
VS
DEBTOR

Docket 22

***** VACATED *** REASON: This Court has issued its order approving
the parties' adequate protection stipulation.**

Tentative Ruling:

Party Information

Debtor(s):

Gerald L MEYER

Represented By
R Grace Rodriguez

Joint Debtor(s):

Victoria A MEYER

Represented By
R Grace Rodriguez

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Brandye N Foreman

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-11443 Maria Guadalupe Pena

Chapter 13

#27.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/6/16

BANC OF CALIFORNIA, NATIONAL ASSOC
VS
DEBTOR

Docket 46

***** VACATED *** REASON: This court has issued its order approving
the parties' adequate protection stipulation (dkt. 49).**

Tentative Ruling:

Party Information

Debtor(s):

Maria Guadalupe Pena

Represented By
Sylvia Lew

Movant(s):

Banc of California, National

Represented By
Brett P Ryan
Jason A Savlov

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-13210 Andre Allen

Chapter 13

#28.00 Cont'd hrg re: Motion for relief from stay [PP]
fr. 9/6/16

WELLS FARGO BANK
VS
DEBTOR

Docket 23

***** VACATED *** REASON: This court has issued its order approving
the parties' adequate protection stipulation (dkt. 29).**

Tentative Ruling:

Party Information

Debtor(s):

Andre Allen

Represented By
Todd B Becker

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Jennifer H Wang
William P Barrett

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:16-12915 Markecia E Sago

Chapter 13

#29.00 Hrg re: Debtor's Motion for Reconsideration

Docket 38

Tentative Ruling:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

This court's order setting this hearing (dkt. 39) directed the debtor to file and serve a declaration regarding her ability to provide adequate protection to the creditor no later than 10/3/16. A declaration was filed (dkt.42, filed 10/4/16) asserting that (1) all arrears in the plan payments and mortgage payments had been cured and (2) due to income from a roommate and the debtor's daughter, as well as renewed personal income and lack of disability, she can now meet her chapter 13 obligations.

There is no tentative ruling, but the parties should be prepared to address (a) whether the debtor has complied with this court's order (dkt. 39), (b) whether she can meet the strict standards for reconsideration (see Rule 9024, Fed. R. Bankr. P.) (see, e.g., *In re Gledhill*, 76 F.3d 1070 (10th Cir. 1996); *In re Camacho*, 361 B.R. 294 (1st Cir. BAP 2007)), (c) whether the alleged arrears have been brought current and/or (d) whether they will agree to the terms of an adequate protection order (see the debtor's motion for reconsideration, dkt. 38, and declaration, dkt. 42).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Markecia E Sago

Pro Se

Movant(s):

Markecia E Sago

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Markecia E Sago

Chapter 13

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:13-15326 Sandra Sunni Germaine

Chapter 13

#30.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/27/16

U.S. BANK NATIONAL ASSOC
vs
DEBTOR

Docket 54

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

At the 9/27/16 hearing on the motion, this court was persuaded to continue this hearing based on the representations of the debtor's counsel regarding attempted notice to the movant, miscommunications regarding payments, and the anticipated influx of substantial funds with which to cure arrears. This court ordered the debtor to provide notice of the continued hearing via email and U.S. mail, and the filed proof of service (dkt. 57) shows both notice via NEF and U.S. mail. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/27/16:

Grant as provided below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date.

(1) Termination. Terminate the automatic stay under 11 U.S.C. 362(d)(1).

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

CONT... Sandra Sunni Germaine

Chapter 13

Any co-debtor stay (11 U.S.C. 1301(c)) is also terminated, because it has not been shown to have any basis to exist independent of the stay under 11 U.S.C. 362(a). To the extent, if any, that the motion seeks to terminate the automatic stay in *other* past or pending bankruptcy cases, such relief is denied on the present record. See *In re Ervin* (Case No. 14-bk-18204-NB, docket no. 311).

(2) Effective date of relief. Deny the request to waive the 14-day stay provided by FRBP 4001(a)(3) for lack of sufficient cause shown.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Sandra Sunni Germaine

Represented By
Gaurav Datta

Movant(s):

U.S. Bank National Association

Represented By
Gerald S Kim
Marisol A Nagata
Brandye N Foreman

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

10:00 AM

2:15-19246 EJ Hawkins

Chapter 13

#31.00 Cont'd hrg re: Motion for relief from stay [RP]
fr. 9/6/16, 10/4/16

WELLS FARGO BANK, NA
VS
DEBTOR

Docket 49

***** VACATED *** REASON: APO entered 10/4/16 (dkt. 54).**

Tentative Ruling:

Party Information

Debtor(s):

EJ Hawkins

Represented By
S Renee Sawyer Blume

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Marisol A Nagata
Tara Evans
Erin Holliday
Erica T Loftis

Trustee(s):

Kathy A Dockery (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:15-20572 Tzu Ling Hsu

Chapter 7

#1.00 Hrg re: First Interim Application For Compensation
and Reimbursement Of Expenses By Danning, Gill,
Diamond & Kollitz, LLP As General Counsel To
Chapter 7 Trustee

Docket 421

Tentative Ruling:

Grant. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via
LOU within 7 days after the hearing date.

If you wish to dispute the above tentative ruling, please see Judge Bason's
Procedures (posted at www.cacb.uscourts.gov) then search for "tentative
rulings".

Party Information

Debtor(s):

Tzu Ling Hsu

Represented By
Giovanni Orantes
Giovanni Orantes
Giovanni Orantes
Giovanni Orantes

Trustee(s):

David A Gill (TR)

Represented By
John N Tedford

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:15-20572 Tzu Ling Hsu

Chapter 7

#1.10 Hrg re: First Interim Application for Compensation
and Request for Reimbursement of Expenses
by Chapter 7 Trustee

Docket 424

Tentative Ruling:

Appearances required but telephonic appearances are encouraged if
advance arrangements are made (see www.cacb.uscourts.gov, "Judges,"
"Bason, N.", "Instructions/Procedures").

Due to the chapter 7 trustee's apparent scheduling confusion (see dkt. 426),
this matter was not added to the court's calendar until 10/6/16. For this
reason, any opposition to the trustee's fee application may be submitted orally
at the hearing.

If you do not appear, and the matter is not adequately resolved by consent,
then you may waive your right to be heard on matters that are appropriate for
disposition at this hearing.

Party Information

Debtor(s):

Tzu Ling Hsu

Represented By
Giovanni Orantes

Trustee(s):

David A Gill (TR)

Represented By
John N Tedford

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:16-19450 Hoon Choi

Chapter 7

Adv#: 2:16-01342 Unify Financial Credit Union f/k/a Western Federal v. Choi

#2.00 Hrg re: Motion for Default Judgment

Docket 7

Tentative Ruling:

Grant as set forth below. Appearances are not required.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

The movant is awarded damages of \$69,415.19, plus pre-judgment interest of \$2,266.61 (per the state court judgment entered 1/14/16, see adv. dkt. 7, PDF p. 46-47) and attorney's fees and costs of \$4,717, for a total award of \$76,398.80, plus ongoing post-judgment interest on the principal amount of damages at the rate of interest provided by the state court judgment. For the reasons set forth in the motion (adv. dkt. 7), this debt is nondischargeable pursuant to 11 U.S.C. 523(a)(2).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Hoon Choi

Represented By
Kelly R Cha

Defendant(s):

Hoon Choi

Pro Se

Plaintiff(s):

Unify Financial Credit Union f/k/a

Represented By
Alana B Anaya

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT... Hoon Choi

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:16-19450 Hoon Choi

Chapter 7

Adv#: 2:16-01342 Unify Financial Credit Union f/k/a Western Federal v. Choi

#2.10 Cont'd status conference re: Complaint to determine the dischargeability of debt pursuant to 11 U.S.C. section 523 (a)(2)(A) fr. 10/4/16

Docket 1

Tentative Ruling:

Revised Tentative Ruling for 10/4/16:

Please see calendar no. 2 (10/11/16 at 11:00 a.m.).

Tentative Ruling for 10/4/16:

Continue to 10/11/16 at 11:00 a.m. to be heard concurrently with the plaintiff's motion for default judgment (adv. dkt. 7). Appearances are not required on 10/4/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Hoon Choi

Represented By
Kelly R Cha

Defendant(s):

Hoon Choi

Pro Se

Plaintiff(s):

Unify Financial Credit Union f/k/a

Represented By
Alana B Anaya

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1545

11:00 AM

CONT... Hoon Choi

Chapter 7

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:15-24374 Pedro Salcido

Chapter 7

Adv#: 2:15-01498 Grobstein, Chapter 7 Trustee v. Banuelos

#3.00 Cont'd Status Conference re: Complaint for Sale
of Real Property Pursuant to 11 U.S.C. § 363(h)
fr. 12/15/15, 5/10/16, 6/21/16, 8/9/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

The parties are cautioned that their various attempts at resolution of this matter have been neither fast enough nor candid enough (see order, case no. 15-24374, dkt. 88). Nevertheless, this court is persuaded to continue this matter one more time to 12/13/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (adv. dkt. 46) for additional time to obtain court approval of their settlement agreement (as it may be modified to address this court's concerns expressed at the hearing on 8/9/16).

Appearances are not required on 10/11/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 8/9/16:

Continue to 10/11/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (adv. dkt. 42) for additional time to obtain court approval of their settlement agreement. Appearances are not required on 8/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 6/21/16:

Continue to 8/9/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (dkt. 40) for additional time to obtain court approval of their

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT... Pedro Salcido

Chapter 7

settlement agreement. Appearances are not required on 6/21/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 5/10/16:

Continue to 6/21/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (dkt. 37) for additional time to finalize their settlement agreement. Appearances are not required on 5/10/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 12/15/15:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures"). The court has reviewed the parties' joint status report (adv. dkt. 26) and the other filed documents and records in this adversary proceeding.

(1) Venue/jurisdiction/authority. Matters of venue, jurisdiction, and authority have been determined and/or waived or forfeited (adv. dkt. 1, PDF p. 2, para. 4; 5, PDF p. 2, para. 3).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below?

(3) Deadlines: This adversary proceeding has been pending since 2/9/15. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 3/15/16

Expert(s) - deadline for reports: 3/29/16

Expert(s) - discovery cutoff (if different from above): N/A

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT...

Pedro Salcido

Chapter 7

Dispositive motions to be heard no later than: 5/10/16

Joint Status Report: 4/26/16

Continued status conference: 5/10/16 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: 5/24/16

Pretrial conference: 6/7/16 at 2:00 p.m.

Deliver trial exhibits to chambers (2 copies, including direct testimony by declaration unless excused): 6/7/16 (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: 6/13/16 at 9:00 a.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Pedro Salcido

Represented By
Omero Banuelos

Defendant(s):

Kathy Banuelos

Represented By
Ramiro Flores Munoz

Plaintiff(s):

Howard Grobstein, Chapter 7

Represented By
Nina Z Javan

Trustee(s):

Alberta P Stahl (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:13-38034 Boardbrokers, Inc

Chapter 7

Adv#: 2:15-01620 Avery v. Bank of America Corporation

#4.00 Cont'd status conference re: Complaint for: (1) Avoidance and recovery of preferential transfers; and (2) Disallowance of claim
fr. 02/09/16, 4/12/16, 6/21/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

Continue to 11/1/16 at 11:00 a.m. for the parties to perform under the court-approved motion to approve settlement under Fed. R. Bankr. P. 9019. See main case dkt. 223, 231. Appearances are not required on 10/11/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 6/21/16:

Appearances are not required. The Court has reviewed the parties' joint status report (dkt. 15) and the other filed documents and records in this adversary proceeding.

(1) Mediation. The tentative ruling is to set a deadline of 7/8/16 for the parties to lodge proposed order(s) directing the parties to attend mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below.

(2) Deadlines: This adversary proceeding has been pending since 11/21/15. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 11/15/16

Expert(s) - deadline for reports: 11/30/16

Expert(s) - discovery cutoff (if different from above): 12/15/16

**United States Bankruptcy Court
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Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT...

Boardbrokers, Inc

Chapter 7

Dispositive motions to be heard no later than: 2/7/17

Joint Status Report: 9/27/16

Continued status conference: 10/11/16 at 11:00 a.m., telephonic: The purpose of this status conference will be to set a trial date and the related deadlines/dates referenced below, once Judge Bason's calendar for 2017 has been finalized. This Court also may address any other issues appropriate for resolution at a status conference.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: TBD (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: TBD

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 4/12/16:

Continue to 6/21/16 at 11:00 a.m. to allow the parties either to resolve their disputes as contemplated by the plaintiff's stipulation with Bank of America Corporation (dkt. 11) or alternatively to file an amended complaint as contemplated therein. The parties are cautioned that if the matter has not been settled by the continued status conference then this Court anticipates setting a trial date and proceeding on parallel tracks with discovery and other pretrial matters and also mediation or any other attempts at settlement. Appearances are not required on 4/12/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 2/9/16:

Continue to 4/12/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (dkt. 4) for additional time to engage in settlement

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Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT... Boardbrokers, Inc

Chapter 7

discussions. Appearances are not required on 2/9/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Boardbrokers, Inc

Represented By
George J Paukert

Defendant(s):

Bank of America Corporation

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Matthew A Lesnick

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey L Sumpter
M Douglas Flahaut
Aram Ordubegian
Matthew A Lesnick

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

2:13-38034 Boardbrokers, Inc

Chapter 7

Adv#: 2:15-01619 Avery v. American Lumber Company

#5.00 Cont'd status conference re: Complaint for: (1) Avoidance and recovery of preferential transfers; and (2) Disallowance of claim
fr. 2/9/16, 2/23/16, 4/12/16, 6/21/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

Continue to 12/13/16 at 11:00 a.m. for the plaintiff to prosecute a motion to approve settlement under Fed. R. Bankr. P. 9019. See notice of settlement, adv. dkt. 20. Appearances are not required on 10/11/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 6/21/16:

Appearances are not required. The Court has reviewed the parties' joint status report (dkt. 11) and the other filed documents and records in this adversary proceeding.

(1) Mediation. The tentative ruling is to set a deadline of 7/8/16 for the parties to lodge proposed order(s) directing the parties to attend mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below.

(2) Deadlines: This adversary proceeding has been pending since 11/21/15. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 11/15/16

Expert(s) - deadline for reports: 11/30/16

Expert(s) - discovery cutoff (if different from above): 12/15/16

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT...

Boardbrokers, Inc

Chapter 7

Dispositive motions to be heard no later than: 2/7/17

Joint Status Report: 9/27/16

Continued status conference: 10/11/16 at 11:00 a.m., telephonic: The purpose of this status conference will be to set a trial date and the related deadlines/dates referenced below, once Judge Bason's calendar for 2017 has been finalized. This Court also may address any other issues appropriate for resolution at a status conference.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: TBD (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: TBD

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 4/12/16:

Continue to 6/21/16 at 11:00 a.m. pursuant to the request for additional time to engage in settlement discussions made by the parties in their joint status report (dkt. 9). The parties are cautioned that if the matter has not been settled by the continued status conference then this Court anticipates setting a trial date and proceeding on parallel tracks with discovery and other pretrial matters and also mediation or any other attempts at settlement.

Appearances are not required on 4/12/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 2/23/16:

Continue to 4/12/16 at 11:00 a.m. pursuant to the request for additional time to engage in settlement discussions made by the parties in their joint status report (dkt. 7) . Appearances are not required on 2/23/16.

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Tuesday, October 11, 2016

Hearing Room 1545

11:00 AM

CONT... Boardbrokers, Inc

Chapter 7

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Boardbrokers, Inc

Represented By
George J Paukert

Defendant(s):

American Lumber Company

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Matthew A Lesnick

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey L Sumpter
M Douglas Flahaut
Aram Ordubegian
Matthew A Lesnick

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Hearing Room 1545

11:00 AM

2:13-38034 Boardbrokers, Inc

Chapter 7

Adv#: 2:15-01618 Avery v. American Express Bank FSB

#6.00 Cont'd Status Conference re: Complaint for: (1) Avoidance and recovery of preferential transfers; avoidance and recovery of fraudulent transfers; and objection to claims fr. 02/09/16, 4/12/16, 6/21/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

Continue to 12/13/16 at 11:00 a.m. for the plaintiff to prosecute a motion to approve settlement under Fed. R. Bankr. P. 9019. See notice of settlement, adv. dkt. 24. Appearances are not required on 10/11/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 6/21/16:

Appearances are not required. The Court has reviewed the parties' joint status report (dkt. 16) and the other filed documents and records in this adversary proceeding.

(1) Mediation. The tentative ruling is to set a deadline of 7/8/16 for the parties to lodge proposed order(s) directing the parties to attend mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile set the deadlines set forth below.

(2) Deadlines: This adversary proceeding has been pending since 11/21/15. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for *completion* of discovery): 11/15/16

Expert(s) - deadline for reports: 11/30/16

Expert(s) - discovery cutoff (if different from above): 12/15/16

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CONT...

Boardbrokers, Inc

Chapter 7

Dispositive motions to be heard no later than: 2/7/17

Joint Status Report: 9/27/16

Continued status conference: 10/11/16 at 11:00 a.m., telephonic: The purpose of this status conference will be to set a trial date and the related deadlines/dates referenced below, once Judge Bason's calendar for 2017 has been finalized. This Court also may address any other issues appropriate for resolution at a status conference.

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: TBD (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: TBD

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 4/12/16:

Continue to 6/21/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (dkt. 14) for additional time to engage in settlement discussions. The parties are cautioned that if the matter has not been settled by the continued status conference then this Court anticipates setting a trial date and proceeding on parallel tracks with discovery and other pretrial matters and also mediation or any other attempts at settlement.

Appearances are not required on 4/12/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 2/9/16:

Continue to 4/12/16 at 11:00 a.m. pursuant to the request of the parties in their joint status report (dkt. 12) for additional time to engage in settlement discussions. Appearances are not required on 2/9/16.

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CONT... Boardbrokers, Inc

Chapter 7

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Boardbrokers, Inc

Represented By
George J Paukert

Defendant(s):

American Express Bank FSB

Pro Se

Plaintiff(s):

Wesley H. Avery

Represented By
Matthew A Lesnick

Trustee(s):

Wesley H Avery (TR)

Represented By
Jeffrey L Sumpter
M Douglas Flahaut
Aram Ordubegian
Matthew A Lesnick

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:16-20366 Carlos I Sanchez and Hannah L Monk

Chapter 7

#7.00 Order to show cause re dismissal
with 180-Day bar

Docket 31

Tentative Ruling:

The tentative ruling is to grant interim relief and continue this matter to 12/13/16 at 11:00 a.m. (without extending the deadline for the response to the existing OSC, dkt. 34). Appearances are not required on 10/11/16.

(1) No discharge. Issue an order barring the debtors from receiving any discharge in this case:

(a) pending resolution of this court's order to show cause (dkt. 31, the "OSC") why this case should not be dismissed with a 180 day bar (11 U.S.C. 109(g)(1)) and

(b) pending resolution of any adversary proceeding under 11 U.S.C. 727, or any other adversary proceeding or contested matter initiated by the U.S. Trustee (see dkt. 34, suggesting possible forgery of credit counseling documents).

(2) Possible bar beyond 180 days. Provide, in the same order, that this court may consider a bar longer than 180 days, in view of the latest information from the U.S. Trustee (dkt. 34) and any other information that may come to light.

(3) Retention of jurisdiction. Provide, in the same order, that this court will retain jurisdiction, notwithstanding any future dismissal or other disposition of this case, to address the foregoing issues and any other issues involving sanctions (in addition to any other usual retention of jurisdiction).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

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CONT... Carlos I Sanchez and Hannah L Monk

Chapter 7

Debtor(s):

Carlos I Sanchez

Pro Se

Joint Debtor(s):

Hannah L Monk

Pro Se

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

11:00 AM

2:16-11220 Andrew Babakhanlou

Chapter 13

Adv#: 2:16-01075 Issaghoulian v. Babakhanlou

#8.00 Cont'd status conference re: Complaint for nondischargeability to 11 U.S.C. section 523 (a)(2) and 11 U.S.C. section 523(a)(4) fr. 4/26/16, 6/21/16, 8/9/16, 9/27/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the status of their mediation efforts.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/27/16:

Continue to 10/11/16 at 11:00 a.m. based upon the statements made by the parties in their joint status report regarding their mediation efforts (adv. dkt. 29). Appearances are not required on 9/27/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 8/9/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Mediation. On 7/15/16, this court entered its order assigning the parties to mediation. The parties should be prepared to discuss the status of their mediation efforts.

(2) Revised deadlines. At the 6/21/16 case status conference, this court set

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CONT...

Andrew Babakhanlou

Chapter 13

certain deadlines (see tentative ruling for 6/21/16, reproduced in full below) which were to be memorialized in an order to be lodged by the plaintiff. No such order has been lodged. The plaintiff should be prepared to address its failure to lodge a scheduling order as directed by this court.

The parties have stated in their joint status report (dkt. 23) that they will not be ready for trial until mid-October 2016. With that in mind, the parties should be prepared to address whether they can comply with the following revised schedule. If so, pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for completion of discovery): 9/2/16

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: 9/13/16

Continued status conference: 9/27/16 at 11:00 a.m.

Lodge Joint Proposed Pre-Trial Order: 10/4/16

Pretrial conference: 10/11/16 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: 10/12/16 (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: 10/17/16 at 9:00 a.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/21/16:

Appearances required.

(1) Motion to dismiss (dkt. 7). Grant in part and deny in part as follows. Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby

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CONT... Andrew Babakhanlou

Chapter 13

incorporating it as this court's final ruling.

(a) Section 523(a)(2): grant for technical reasons, but with leave to amend. The complaint alleges "reasonable" reliance by the plaintiff but (as both parties agree) 11 U.S.C. 523(a)(2) requires "justifiable" reliance. See *dk. 9, p.6:2, & dk. 11, p.2:7. See, e.g., In re Brown*, 217 B.R. 857, 861-62 (Bankr. S.D. Cal. 1998) (explaining the difference).

Leave to amend is appropriate because that one word ("reasonable") is easily replaced (by "justifiable"), and, although the defendant argues that there was no diversion of funds after those funds were lent, that is not the issue. The focus should be on whether the debtor/defendant knowingly misrepresented the state of his finances so as to induce the plaintiff to loan the funds in the first place, thereby proximately causing the plaintiff to advance the funds and ultimately lose the entire \$70,000.

The State Court found that he did, and also found that the plaintiff's reliance on those misrepresentations was "reasonable" (*dk. 1, Ex.1, pp. 5:22-6:3*). If this Bankruptcy Court is persuaded of the same things as the State Court (or if the latter's findings of fact and conclusions of law are preclusive, which the parties do not address) then the remaining factual issue appears to be whether the plaintiff's reliance on the defendant's alleged state of finances was justifiable, which cannot be determined on a motion to dismiss.

Note: When amending, the plaintiff may wish to note that the State Court's memorandum decision (*dk. 1, Ex. 1*) is missing page 4.

(2) Section 523(a)(4): grant without leave to amend. The tentative ruling is to dismiss the claim under 11 U.S.C. 523(a)(4) for the reasons stated in the defendant's motion and reply (*dk. 7, 11*), and to deny leave to amend because the opposition (*dk. 9*) does not set forth any possible amendment to the complaint that could fit the existing allegations within the definition of "embezzlement" or other claims under section 523(a)(4).

(2) Mediation. Is there is any reason why this court should not order the parties to mediation before one of the volunteer mediators (*not* a Bankruptcy Judge), and meanwhile establish the interim deadlines set forth below? The tentative ruling is to set a deadline of 7/7/16 to lodge proposed order(s) directing the parties to mediation.

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CONT... Andrew Babakhanlou

Chapter 13

(3) Deadlines: This adversary proceeding has been pending since 2/9/16. Pursuant to LBR 9021-1(b)(1)(B), plaintiff is directed to serve and lodge a proposed order via LOU within 7 days after the status conference, attaching a copy of this tentative ruling or otherwise memorializing the following.

Discovery cutoff (for completion of discovery): 8/1/16

Expert(s) - deadline for reports: N/A

Expert(s) - discovery cutoff (if different from above): N/A

Dispositive motions to be heard no later than: N/A

Joint Status Report: 7/26/16

Continued status conference: 8/9/16 at 1:00 p.m.

Lodge Joint Proposed Pre-Trial Order: 9/6/16

Pretrial conference: 9/13/16 at 2:00 p.m.

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: 9/15/16 (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial Practice")

Trial commencement: 9/21/16 at 9:00 a.m.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Andrew Babakhanlou

Represented By
Matthew D Resnik
Kevin T Simon

Defendant(s):

Andrew Babakhanlou

Pro Se

Plaintiff(s):

Vrej Issaghouljian

Represented By
Armen Shaghzo

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Chapter 13

Trustee(s):

Kathy A Dockery (TR) Pro Se

Kathy A Dockery (TR) Pro Se

U.S. Trustee(s):

United States Trustee (LA) Pro Se

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1:00 PM

2:16-21882 Paul Arthur Johnson

Chapter 11

#1.00 Status conference re: Chapter 11 case

Docket 8

Tentative Ruling:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) Application to employ bankruptcy counsel. The debtor reports in his status report (dkt. 18) that the application to employ his bankruptcy counsel was filed on 9/27/16, but this court has reviewed the case docket and it appears no such application was filed. When does the debtor anticipate filing that application?

(b) Budget & budget motion. The debtor asserts net business income for himself and his nondebtor spouse (dkt. 15, bankruptcy schedule I) without providing a detailed statement of gross income, expenses, and calculation of net income as required by that form.

The debtor also appears to have skipped the portion of this court's status report addressing the filing of a budget motion (dkt. 18, p. 3).

When will the debtor correct these deficiencies?

(2) Deadlines/dates. This case was filed on 9/6/16.

(a) Bar date: 12/16/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 1/31/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

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CONT...

Paul Arthur Johnson

Chapter 11

(c) Continued status conference: 11/29/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Paul Arthur Johnson

Represented By
Thomas B Ure

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2:16-19500 Richard Todd Hicks and Edith Armstrong Hicks

Chapter 11

#2.00 Hrg re: Application for order authorizing the employment
of counsel for the debtors an debtors-in-possession

Docket 11

***** VACATED *** REASON: Per stipulation (dkt. 39) and order thereon.**

Tentative Ruling:

Party Information

Debtor(s):

Richard Todd Hicks

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Edith Armstrong Hicks

Represented By
Michael Jones
Sara Tidd

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2:15-24588 Jeong Hee Choi

Chapter 11

#3.00 Cont'd Status Conference re: Chapter 11 Case
fr. 10/27/15, 11/3/15, 12/15/15, 1/19/16, 2/23/16,
4/5/16, 6/7/16, 9/6/16

Docket 1

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues (whether to authorize service of the latest proposed disclosure statement, dkt. 155, and plan, dkt. 154)

(a) Monthly net income after plan payments. Exhibit C shows the debtor will have \$773.04 in income left over every month after her proposed plan payments have been made. See dkt. 155, PDF p. 7, line 12. Additionally, the debtor requests \$187.81/mo. for an emergency fund and trustee fees. See Endnote 1 (dkt. 155, PDF p. 21). Why should the debtor be permitted to retain nearly \$1,000/mo. when her general unsecured creditors are only receiving 5% of their claims?

(b) Class 2B: Section 1111(b) election. Exhibit E has not been completely filled out. Under Class 2B, the debtor has not completed the "at least present value" portion of the section 1111(b) election - she has provided no interest rate and the proposed monthly payments are showing up on the form as a negative number: (\$108.33).

Additionally, the debtor has proposed paying the full amount of Class 2B over 40 years at an interest rate of just 3.75%, with a \$387,000 balloon payment at the end of 40 years. As stated in this court's 9/6/16 tentative ruling (reproduced in full, below), such a substantial balloon payment increases the risk of the debtor's nonpayment and presumably requires a higher interest rate to arrive at a present value equal to the current value of the property.

(2) Deadlines/dates. This case was filed on 9/21/15.

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Jeong Hee Choi

Chapter 11

- (a) Bar date: 1/8/16 (timely served, dkt. 81).
 - (b) Plan/Disclosure Statement*: 10/25/16 deadline to file (but NOT serve) further amended draft plan and disclosure statement addressing the issues set forth above.
 - (c) Continued status conference: 11/8/16 at 1:00 p.m. No written status report is required.
- *Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/6/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues (whether to approve the disclosure statement, dkt. 126, and confirm the proposed plan, dkt. 125):

(a) Service of voting package? The proof of service (dkt. 137) lists very few parties in interest. Were all creditors served?

(b) Lack of favorable votes? The ballot summary (dkt. 143) is not accompanied by copies of ballots, and in any event it appears that no class accepted the plan by the requisite majorities (11 U.S.C. 1126(c)) although the debtor makes an opaque reference to the possibility of another favorable vote (after the deadline?). Therefore the debtor does not appear to qualify for confirmation under 1129(a) or (b). See 11 U.S.C. 1129(a)(8) & (10) and 1129(b).

(c) Objection by BONY (dkt. 141). The tentative ruling is that BONY would be entitled to a 5% interest rate if it had not made its election under 11 U.S.C. 1111(b), but having made that election it is entitled to (i) the full dollar amount of its claim over time with (ii) a present value equal to the value of its collateral, and with a larger number of dollars being paid it may be that the interest rate can be reduced, not increased (although that depends on how long the debtor proposes to make payments, and other factors). Balloon payments are not outright prohibited, but they tend to increase the risk and

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Chapter 11

may require a higher interest rate.

(d) Feasibility. The debtor asserts that \$30,000 will be contributed to fund payments on the effective date. What is the evidence of that? The debtor's budget is very thin, which calls into question the feasibility of the plan (11 U.S.C. 1129(a)(11)). These issues can be addressed, if relevant, after an amended plan and disclosure statement, addressing BONY's section 1111(b) election, has been filed - if appropriate, this court can set an evidentiary hearing and associated deadlines.

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (timely served, dkt. 81).

(b) Plan/Disclosure Statement*: 9/20/16 deadline to file (but NOT serve) amended draft plan and disclosure statement in view of BONY's section 1111(b) election.

(c) Continued status conference: 10/4/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/7/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues:

(a) Amended Plan/Disclosure Statement (timely filed 4/12/16, dkt. 125, 126). It appears that the debtor has addressed the issues previously noted in this Court's 4/5/16 tentative (included below).

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (timely served, dkt. 81).

(b) Plan/Disclosure Statement*: this court has reviewed the proposed Plan (dkt. 125) and Disclosure Statement (dkt. 126) and

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anticipates setting the following deadlines: 6/10/16 for the plan proponent to lodge Judge Bason's form of order authorizing service of the relevant documents and setting deadlines; 9/6/16 at 1:00 p.m. for the combined hearing on approval of the Disclosure Statement and confirmation of the Plan (with the court to set typical deadlines for objections etc.).

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 4/5/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues:

(a) Plan/Disclosure Statement (3/4/16 (timely filed, dkt. 122, 123)).

(i) Monthly income. The debtor's cash flow projections result in a negative balance of \$234,553.19 (see dkt. 122, at PDF p. 7). The net income of \$6 listed by the debtor does not make sense. The debtor's proposed monthly plan payment is comprised of two mortgage payments of \$3,098.41 and \$1,504.30 to BNY Mellon, and payments to general unsecured creditors of \$629.62, for a total of \$5,232.33 (*id.*). However, the debtor appears to have double-counted the mortgage payments: first, in the debtor's calculation of total monthly income, since the debtor's schedules I and J already take into account the rental income from the two properties, and then again in the debtor's calculation of the proposed payment plan.

(ii) New value. The \$30,000 Church Contribution should be listed in Exhibit C.

(iii) Two periods. Why does the debtor's plan include two periods (A and B) that seem to propose the same treatment of creditors? (see dkt. 122, at PDF p. 7).

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(b) MORs. The debtor's most recent monthly operating report (dkt. 121) attempts to address the issues raised in this Court's previous tentative ruling (e.g., dkt. 115 at PDF p.61, where the debtor appears to have listed the total balance owed, instead of listing monthly mortgage amounts, the number of unpaid monthly payments, and the total postpetition amount unpaid). The debtor appears to have corrected this issue (see dkt. 121, PDF p.16). However, the secondary issue was that the debtor had not revealed the monthly amount owed to PNC Bank N.A. - she stated "Disputed" instead of a monthly amount). The debtor has now omitted PNC Bank N.A. from this list (*id.*). Does the debtor owe any monthly amount to PNC Bank N.A.?

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (timely served, dkt. 81).

(b) Plan/Disclosure Statement*: file amended documents by 4/12/16.

(DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 6/7/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 2/23/16:

Continue to 4/5/16 at 1:00 p.m. Appearances are not required on 2/23/16.

Reasons:

(1) MORs. The debtor's supplemented and most recent monthly operating reports (dkt. 108, 112, 113, 115) are still needlessly confusing and probably incorrect (e.g., dkt. 115 at PDF p.61 is supposed to list monthly mortgage amounts, the number of unpaid monthly payments, and the total postpetition amount unpaid; but instead the debtor appears to have listed the total balance owed; and the debtor also has not revealed the monthly amount owed to PNC Bank N.A. - she states "Disputed" instead of a monthly

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amount). Nevertheless, this Court presumes that the debtor's counsel will continue working with the office of the U.S. Trustee to assure that future MORs are correct and less confusing.

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (timely served, dkt. 81).

(b) Plan/Disclosure Statement*: In view of the stipulation regarding the value of the Cypress property (dkt. 116), it appears that the debtor may be able to propose a plan of reorganization. Accordingly, the tentative ruling is to set a deadline of 3/4/16 for the debtor to file a draft plan and a draft disclosure statement, using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time). If counsel for the debtor believes that it is premature to prepare and file a draft plan and draft disclosure statement, then counsel should notify the U.S. Trustee and this Court of an intent to contest this tentative ruling, and then appear at this status conference and address that issue.

(c) Continued status conference: (See the date at the start of this tentative ruling.) No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 1/19/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Monthly expenditure reporting. The debtor's monthly expenditure reporting continues to be problematic. In the debtor's October MOR, the debtor lists various disbursements totaling \$555 (see dkt. 103, PDF p. 26,

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repeated at PDF p. 64), but also refers to "petty cash" expenditures of \$497 (*id.* at PDF p. 26) and \$447 (*id.* at PDF p. 64). Where are those figures coming from? What was the nature of those petty cash expenditures?

Additionally, the expenditures reported by the debtor appear to deviate from the debtor's court-approved budget (dkt. 6, 76). The budget reported expenses of \$100/mo. for rent and \$110/mo. for Medicare, neither of which are appearing on the debtor's MORs. Conversely, the budget did not provide for \$50/mo. in religious donations, which the debtor appears to be paying every month. Finally, although the debtor reported in the budget that her monthly mortgage payments to Nationstar and Shell Point included costs for maintenance and insurance (dkt. 6, PDF p. 9), based upon her MOR reporting it appears that those costs are in fact separate from her mortgage payments. See dkt. 104, PDF p. 49 (separate home insurance payment of \$75.89); p. 57 ("home expenditures" of \$100 listed under petty cash transactions).

Finally, although the debtor has opened cash collateral bank accounts for each of her real properties, it appears the debtor is continuing to use her general DIP account for all receipts and disbursements, including those related to her real properties. Why is the debtor not segregating her cash collateral funds in their designated accounts?

How can the debtor propose a feasible plan of reorganization in these circumstances? Why should this court not convert or dismiss this case?

(2) Deadlines/dates. This case was filed on 9/21/15. If this court is persuaded not to convert or dismiss this case:

- (a) Bar date: 1/8/16 (timely served, dkt. 81).
- (b) Plan/Disclosure Statement*: file by 1/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
- (c) Continued status conference: 2/23/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for

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disposition at this hearing.

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Tentative Ruling for 12/15/15:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(A) Monthly expenditure reporting. The debtor's October monthly operating report disclosed the debtor's monthly expenditures in one lump sum (\$1,052), describing them only as "personal expenses." See dkt. 93, PDF p. 26. Reporting the debtor's monthly expenses in this fashion is inadequate, as it does not allow the court or the United States Trustee's office to ascertain whether the debtor is complying with the court-approved budget (dkt. 6, 76).

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (timely served, dkt. 81).

(b) Plan/Disclosure Statement*: file by 1/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 1/19/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 11/3/15:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues.

(a) UST motion to dismiss/compliance. Has the debtor complied with the requirements of the Office of the United States Trustee?

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(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (debtor to serve bar date order no later than 11/3/15).

(b) Plan/Disclosure Statement*: file by 1/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 12/15/15 at 1:00 p.m., no status report required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Revised Tentative Ruling for 10/27/15:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues. The debtor is directed to serve and lodge proposed orders on the following motions via LOU within 7 days after the hearing date.

(a) Utility motion. Grant on a final basis on the same terms as the interim approval (dkt. 65).

(c) Cash collateral (dkt.9) and budget (dkt.6) motions. Grant the motions and approve the budgets proposed by the debtor (e.g., dkt. 6, PDF p. 9), on a final basis, but subject to adjustment as appropriate (e.g., upon a proper motion by a lienholder for relief from the automatic stay this court might - or might not - be persuaded to increase adequate protection payments).

(2) Deadlines/dates. This case was filed on 9/21/15.

(a) Bar date: 1/8/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 1/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the

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U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 11/3/15 at 11:00 a.m., no status report required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 10/27/15:

This court anticipates posting a tentative ruling at a later time.

Party Information

Debtor(s):

Jeong Hee Choi

Represented By
Frank J Alvarado

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#4.00 Cont'd status conference re: Chapter 11 case
fr. 5/3/16, 7/19/16, 8/9/16, 9/6/16

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Tentative Ruling:

Tentative Ruling for 10/11/16:

Continue as set forth below. Appearances are not required on 10/11/16.

(1) Current issues.

(a) Cash flow and finances generally. The debtor's latest monthly operating report ("MOR") (dkt. 207, for Aug. 2017) appears to be much more compliant with the format required for MORs and appears to show a (very thin) positive cash flow. Meanwhile, the debtor has entered into stipulations and a proposed settlement (e.g., dkt. 213, 215, 232, 233, 235, 237, 239) that might enable it to reach financial stability.

Given this financial situation, it appears appropriate not to incur the expense of an additional status conference at this time, and instead continue the status conference. It also appears appropriate to vacate the deadline to file a proposed plan and disclosure statement until there can be a longer postpetition track record.

(b) Auto insurance. The August MOR shows that the debtor's vehicle insurance was paid through 10/4/16. See August MOR, dkt. 166, PDF p. 19. This court presumes that the debtor will maintain continuous vehicle insurance, and any failure to do so would be a very serious concern at the continued status conference.

(2) Deadlines/dates. This case was filed on 2/18/16.

(a) Bar date: 7/20/16 (timely served, dkt. 98).

(b) Plan/Disclosure Statement*: vacate any prior deadlines for the reasons set forth above.

(c) Continued status conference: 11/29/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

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Tentative Ruling for 9/6/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Dismissal or conversion? The debtor's amended/new monthly operating reports ("MORs") (dkt. 180-186) are not in proper format (they are blank and/or show \$0 everywhere) and the attached financial statements appear to show ongoing and substantial losses (and the records filed in support of the May 2016 MOR appear to be incomplete). Is dismissal or conversion of this case appropriate?

(2) Deadlines/dates. Continue to 10/11/16 at 1:00 p.m. if this case is not dismissed or converted. No written status report is required.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/9/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Payroll and Tax Bank Accounts. Why does the debtor have negative ending balances in both its payroll (-\$683) and tax (-\$23.56) bank accounts, causing it to incur numerous charges for insufficient funds totaling over \$700? See June MOR, dkt. 166, PDF pp. 35, 37, 49.

(2) Deadlines/dates. This case was filed on 2/18/16.

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(a) Bar date: 7/20/16 (timely served, dkt. 98).

(b) Plan/Disclosure Statement*: file by 9/17/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the next status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 10/11/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/19/16:

Continue to 8/9/16 at 1:00 p.m. Appearances are not required on 7/19/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 5/3/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Cash collateral motion (dkt. 13), and motion for relief from automatic stay (dkt. 28). This Court has issued orders approving stipulations with the IRS (dkt. 86, 88) and AFS/IBEX (dkt. 81, 82) and otherwise addressing the use of cash collateral and setoffs (dkt. 25, 33), and has

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authorized the payment of insurance premiums as adequate protection (dkt. 59, 67, 75), and the debtor's latest budget declaration (dkt. 85) now appears to provide for income taxes and professionals (accountant, attorneys, etc.), as well as other ordinary and necessary items that were previously omitted from the budget, all of which appears to resolve the debtor's motion for use of cash collateral (dkt. 13) and the IRS' motion for relief from the automatic stay (see dkt. 28, 56, 65, 68, 69, 70). To the extent that the debtor is using the cash collateral of the EDD, or any other person who may assert an interest in the debtor's cash, notice appears to have been sufficient for present purposes and the existing orders appear to provide adequate protection of any such interests.

For all of these reasons, the tentative ruling is not to set any continued hearing on these motions, and instead any future extension of the authorization to use cash collateral can be made (i) on the existing terms, by lodging a proposed order containing the signature of the IRS' counsel approving it as to form or, alternatively, (ii) for any proposed changes in terms, pursuant to a further stipulation with the IRS (subject to approval by this Court) that need only be served (at least 7 days prior to the expiration of the latest period for authorized use of cash collateral) on the US Trustee and not any other parties in interest unless they request special notice.

(b) Rejection of lease? Has the debtor reached any agreement with the lessor of its prior premises regarding termination of the lease, or of the arrangement for month to month occupancy? Will the debtor be seeking to reject any lease (see Status Report, dkt. 50, item 7 at p. 6:13)?

(c) Application for Compensation (dkt. 91). The tentative ruling is to approve the fees as reduced by the stipulation with the United States Trustee (dkt. 115; see also dkt. 95, 96, 108, 113), in the amount of \$29,779.50.

(d) MORs. This Court has no issues to raise sua sponte with respect to the second monthly operating report (dkt. 107, "MOR"), but this Court notes that another MOR filed in this case (dkt. 111) actually pertains to a different case, so the debtor should file a notice of errata regarding the latter MOR.

(2) Deadlines/dates. This case was filed on 2/18/16.

(a) Bar date: 7/20/16 (timely served, dkt. 98).

(b) Plan/Disclosure Statement*: file by 7/19/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a

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later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the next status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 7/19/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Revised Tentative Ruling for 3/22/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Budget (supplement at dkt. 42) The "Office Rent" line item states, "Debtor's relocation is necessary to avoid crowding issues and complaints by the City and the landlord" and a footnote states in part, "Current landlord will be increasing rent by 150% every month." The budget reflects an increase from \$2,100 for March to \$7,000 per month for this line item for April and later months.

Is such an increase truly necessary and appropriate for a debtor in bankruptcy? Has the debtor found a suitable location? Is the debtor asserting that any such change is anything other than a transaction out of the ordinary course (11 U.S.C. 363(b)) requiring notice and a hearing and the approval of this Court?

In addition, the budget does not appear to provide for income taxes or professionals (accountant, attorneys, etc.). Why not? Are there any other ordinary and necessary items that are omitted from the budget? If so, why?

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(b) Status Report (dkt.50) Under item 12, the debtor asserts that it is not a "health care business" and therefore a health care ombudsman is not required. At the last status conference, however, counsel for the United States Trustee suggested that one probably is required. Why does the debtor disagree?

(c) Relief from Stay Motion (dkt. 28), cash collateral motion (dkt. 13), stipulation with IRS (dkt. 59), and proposed order (dkt. 60). The proposed stipulation would provide a replacement lien on all of the debtor's assets, which arguably could be read to include avoidance actions, any claims under 11 U.S.C. 506(c), and the like. The tentative ruling is not to include those things, and to limit the replacement lien such that it is no more than the priority and other characteristics of the existing lien (pursuant to Judge Bason's standard terms). In addition, to the extent that the stipulation changes the terms on which the debtor proposes to use cash collateral, and what the debtor will give up in return, have parties in interest been provided adequate notice and an opportunity for hearing pursuant to Rule 4001?

(d) Loan to fund payroll. Did Debtor enter into no-interest unsecured loan to make payroll, as contemplated at a prior hearing? Has this been documented?

(2) Deadlines/dates. This case was filed on 2/18/16.

(a) Bar date: 6/20/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 7/19/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the next status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 5/3/16 at 1:00 p.m. No written status report is required.

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*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 3/22/16:

This court anticipates posting a tentative ruling at a later time.

Party Information

Debtor(s):

Rescue One Ambulance

Represented By
Michael Jay Berger

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2:15-27153 Brian Lee

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#5.00 Cont'd hrg re: Motion to Dismiss or convert
Chapter 11 Case to Chapter 7
fr. 4/5/16, 05/17/16, 7/5/16

Docket 72

Tentative Ruling:

Tentative Ruling for 10/11/16:

Please see the tentative ruling for calendar no. 6 (10/11/16 at 1:00 p.m.).

Tentative Ruling for 7/5/16:

Please see the tentative ruling for calendar no. 3 (7/5/16 at 1:00 p.m.).

Tentative Ruling for 5/17/16:

Please see the tentative ruling for calendar no. 4 (5/17/16 at 1:00 p.m.).

Tentative Ruling for 4/5/16:

Please see the tentative ruling for calendar no. 7 (4/5/16 at 1:00 p.m.).

Party Information

Debtor(s):

Brian Lee

Represented By
Michael Jay Berger

Movant(s):

Deutsche Bank National Trust

Represented By
Merdaud Jafarnia

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#6.00 Cont'd status conference re: Chapter 11 case
fr. 12/8/15, 2/2/16, 3/1/16, 05/17/16, 7/5/16

Docket 7

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required by counsel for the debtor, but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Failure to meet sale deadlines. At the status conference on 4/5/16 this court set a deadline of 7/12/16 for the debtor to file and serve a motion to sell his real property, to be set for hearing no later than 8/9/16. The debtor has not met those deadlines. The tentative ruling is to convert this case to chapter 7. See 11 U.S.C. 105(a), 1112(b)(1)&(4)(E) *and* dkt. 5, pp.4:25-5:2 (notice that court may dismiss case at status conference).

(b) Alleged withdrawal from MLS system. A status report filed by creditor Deutsche Bank National Trust Company (dkt. 115) reports that the debtor has withdrawn his listing from the MLS system. In view of the substantial leeway that this court has granted the debtor, this court's past warnings to the debtor that he should use that leeway to sell his property, Deutsche Bank's assertions that this fits a pattern by this debtor of failing to abide by his commitments and the responsibilities of a debtor in possession, and the debtor's lack of any filed response to that status report, the tentative ruling is that the debtor has failed to prosecute this bankruptcy case diligently, and that is an alternative reason to convert this case to chapter 7.

(2) Deadlines/dates. This case was filed on 11/9/15.

(a) Bar date: 2/2/16 (timely served, dkt. 32).

(b) Plan/Disclosure Statement*: n/a.

(c) Continued status conference: n/a.

*Warning: special procedures apply (see order setting initial status conference).

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If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/5/16:

Continue to 10/11/16 at 1:00 p.m. for the following reasons. Appearances are not required on 7/5/16.

Reasons: On 4/5/16 and extended on 6/21/16, this Court set deadlines related to the debtor's efforts to sell certain real property. Accordingly, this Court continues this status conference and the trailing motion to dismiss or convert until the latest date for the debtor to set a hearing on the sale of his real property or file a disclosure statement and plan.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 5/17/16:

Continue to 7/5/16 at 1:00 p.m. No written status report is required. Appearances are not required on 5/17/16.

Revised Tentative Ruling for 4/5/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash collateral. Grant the motion on a final basis, on the same terms set forth in the order authorizing interim use of cash collateral (dkt. 75).

(b) Motion to dismiss (dkt. 72, 73 81, 82). Set a deadline of 7/12/16 (approximately four months from this hearing) for the debtor to file and serve a motion to sell the subject property, to be set for hearing no later than 8/9/16, based on: the substantial equity in the property, the fact that this case is already 5 months old, the substantial delays in resolving the parties' disputes prepetition, the debtor's apparent hope to avoid the necessity of sale if he can

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prevail in the so called New York Litigation, the debtor's retention of a broker to sell the property, and the other circumstances described by the parties. See, e.g, dkt. 48, 78. Continue the motion to dismiss to trail the continued status conferences until the deadline for sale has passed (see below).

(2) Deadlines/dates. This case was filed on 11/9/15.

(a) Bar date: 2/2/16 (timely served, dkt. 32).

(b) Plan/Disclosure Statement*: to be re-set in future.

(c) Continued status conference: 5/17/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 4/5/16:

This court anticipates posting a tentative ruling at a later time.

Revised Tentative Ruling for 3/1/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Monthly operating reports. As previously directed, the debtor filed an amended monthly operating report for month 1 (see dkt. 52). That and more recent MORs appears to reflect an appropriately modest budget.

(b) Employment of a real estate broker. Although not on for hearing, this court has reviewed the debtor's application to employ a real estate broker (dkt. 66). The terms appear acceptable, other than any dual agency. Judge Bason anticipates that the debtor will lodge an appropriate order which will be approved (absent a persuasive objection) subject to his standard conditions including a bar on dual agency.

(2) Deadlines/dates. This case was filed on 11/9/15.

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- (a) Bar date: 2/2/16 (timely served, dkt. 32).
 - (b) Plan/Disclosure Statement*: file by 6/22/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).
 - (c) Continued status conference: 4/5/16 at 1:00 p.m. No written status report is required.
- *Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 3/1/16:

This court anticipates posting a tentative ruling at a later time.

Tentative Ruling for 2/2/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Application to employ general bankruptcy counsel (dkt. 26). Grant, based on the supplemental declarations (dkt. 49) in response to this court's order (dkt. 38) setting this hearing.

(b) Application to employ special counsel (dkt. 48, filed 1/18/16, and not on for hearing but relevant to this Status Conference). Why was this not filed sooner? What is the genesis of the debtor's claim to approximately \$500,000 on two promissory notes? What are the major issues in the litigation, and what is the cost/benefit analysis of pursuing it?

(c) Budget motion (dkt. 29, also not on for hearing, but relevant to this Status Conference) and monthly operating reports ("MORs") (dkt. 35 & 50). The debtor's proposed budget shows income every three months of \$22,500 and average expenses of \$9,398.00 per month - *i.e.*, a substantial negative cash flow. This court understands that this debtor plans to sell his residence to fund a plan, but why is there still no application to employ a real estate

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agent? Meanwhile, how reliable are the income (and expenses) listed in the budget and what is the basis for the debtor's estimates? The deadline for oppositions to the budget motion expired approximately one month ago, and no oppositions appear on the docket, so why has the debtor not lodged a proposed order granting the budget motion?

The debtor's MORs seem to bear almost no relation to his proposed budget. The MORs purport to show almost no income or expenditures, and include only a small amount of petty cash expenditures? Is the debtor failing to make any adequate protection payments to the holder of his mortgage? Does he continue his occasional vacation rentals of his house? Is the debtor providing complete and accurate disclosures of his finances?

In addition, the tentative ruling is to set a deadline of 2/9/16 for the debtor to file an amended MOR#1 that answers either "yes" or "no" on the questionnaire on p.10 (dkt. 35) and is otherwise double-checked for completeness and accuracy.

(2) Deadlines/dates. This case was filed on 11/9/15.

(a) Bar date: 2/2/16 (timely served, dkt. 32).

(b) Plan/Disclosure Statement*: file by 6/22/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 3/1/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 12/8/15:

Appearances required by counsel for the debtor and by the debtor himself.

(1) Current issues.

(a) Status report. This court has reviewed the debtor's status report (dkt. 25). Has the debtor complied with all requirements of the United States

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Trustee? Has the debtor filed all required case commencement documents?

(b) First day motions. When will the debtor file his budget motion? The status report says that it will be filed before this hearing, but as of the preparation of this tentative ruling, no budget motion has been filed. Additionally, when does the debtor intend to file motions for employment of professionals?

(c) Civil disputes. The debtor's amended schedule B (dkt. 18, p. 5) lists a number of disputes. How does the debtor plan to liquidate these for the benefit of creditors?

(2) Deadlines/dates. This case was filed on 11/9/15.

(a) Bar date: 2/16/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 6/22/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the next status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 2/2/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Brian Lee

Represented By

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Brian Lee

Michael Jay Berger

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2:16-14355 MEDomics, LLC

Chapter 11

Adv#: 2:16-01311 Sommer v. Wells Fargo Bank NA

#7.00 Cont'd hrg re: Motion for an injunction in aid
of automatic stay pursuant to 11 U.S.C.
section 105(a)
fr. 08/02/16, 9/6/16

Docket 2

Tentative Ruling:

Tentative Ruling for 10/11/2016:

See tentative ruling for chapter 11 status conference (10/11/16, 1:00 p.m.,
calendar no. 9).

Tentative Ruling for 9/6/16:

See tentative ruling for chapter 11 status conference (9/6/16, 1:00 p.m.,
calendar no. 18).

Tentative Ruling for 8/2/16:

See tentative ruling for chapter 11 status conference (8/2/16, 2:00 p.m.,
calendar no. 9).

Party Information

Debtor(s):

MEDomics, LLC

Represented By
Illyssa I Fogel

Defendant(s):

Wells Fargo Bank NA

Pro Se

Plaintiff(s):

Steve S. Sommer

Represented By
Daniel I Barness

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Trustee(s):

David M Goodrich (TR)

Pro Se

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#8.00 Cont'd hrg re: Motion for relief from stay [NA]
fr. 5/31/16, 7/19/16, 08/02/16, 9/6/16

WELLS FARGO BANK, NATIONAL ASSOCIATION
VS
DEBTOR

Docket 61

Tentative Ruling:

Tentative Ruling for 10/11/2016:

See tentative ruling for chapter 11 status conference (10/11/16, 1:00 p.m., calendar no. 9).

Tentative Ruling for 9/6/2016:

See tentative ruling for chapter 11 status conference (9/6/16, 1:00 p.m., calendar no. 18).

Tentative Ruling for 8/2/16:

See tentative ruling for chapter 11 status conference (8/2/16, 2:00 p.m., calendar no. 9).

Tentative Ruling for 5/31/16:

Continue to 7/19/16 at 1:00 p.m. to address the following issues.

Appearances are not required on 5/31/16.

Key documents reviewed: motion of Wells Fargo Bank, N.A. ("Wells Fargo") for relief from automatic stay (dkt. 61); debtor's response (dkt. 72); Wells Fargo's reply (dkt. 77, at p.); and joinder of Dr. Sommer (debtor's principal and, apparently, its major creditor and landlord) (dkt. 78).

Reasons:

(1) Wells Fargo apparently seeks relief primarily against Dr. Sommers, but also against the debtor. Wells Fargo contends that it seeks to recover primarily from Dr. Sommers, who owns the subject property, and Wells Fargo

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further agrees that the stay will remain in effect as to enforcement of any judgment against this debtor (retaining the right to file a proof of claim, if appropriate) (see dkt. 61, p. 3, para. 4.b.). It appears, however, that any relief against Dr. Sommers is in effect relief against the debtor, or at least it has the potential to have a very substantial negative impact against the debtor.

According to the debtor's bankruptcy schedule G (dkt. 29, PDF p. 22-23), it leases the property. It is unclear whether foreclosure against Dr. Sommers would wipe out the debtor's leasehold interest, but that might well be so, and then the debtor's business might well collapse. Moreover, conceivably the debtor would have no right to continue its occupancy even long enough to allow it to find/lease new premises, move out equipment, sell its business or equipment to a purchaser, or otherwise protect its value, and that would harm all other creditors, employees, and other parties in interest. See *In re Perl*, 811 F.3d 1120 (9th Cir. 2016).

This Court expresses no opinion whether those consequences necessarily would flow from granting Wells Fargo the relief that it requests from the automatic stay; but the point is that Wells Fargo has not addressed these issues, and on the present record its acts that are nominally only against Dr. Sommers apparently have the potential to harm severely the interests of other creditors. That weighs against granting relief to Wells Fargo, provided that its interests can be adequately protected within the meaning of 11 U.S.C. 361 & 362(d)(1).

Adequate protection in this case appears to rest largely on the debtor's ability to maintain and grow its value as a viable business, and for those purposes it needs a space in which to operate. Wells Fargo has not presented any evidence that the value of the debtor's business is declining.

To the contrary, the only evidence before this Court (albeit mostly presented on different motions) suggests that the debtor may have a viable strategy to reorganize its finances and exit from bankruptcy. Presumably, as in most cases, the best proof of whether that is so will be the debtor's postpetition performance, with greater leeway being afforded to the debtor for a short period at the start of the case.

Accordingly, on the present record it appears that Wells Fargo is adequately protected, and that it is in the best interests of the bankruptcy estate and other creditors not to grant relief from the automatic stay at this time.

The remainder of this tentative ruling addresses whether there are

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additional considerations that weigh either in favor of relief from the automatic stay or against it. There are considerations on both sides.

(2) Prepetition agreement not to oppose relief from the automatic stay.
The debtor analogizes to prepetition agreements to waive the bankruptcy discharge, or not to file a bankruptcy petition at all, and Wells Fargo points out that those are not the actual situation. Neither party cites to relevant reported decisions, which generally disfavor prepetition agreements to relief from the automatic stay, but which also sometimes weigh them to some extent in favor of granting such relief, especially when the debtor (and other creditors) have obtained benefits in exchange for such waivers. See, e.g., *Matter of Pease*, 195 B.R. 431, 433 (Bankr. D. Neb. 1996) (prepetition waiver unenforceable on public policy grounds); *In re Jenkins Court Associates Ltd. P'ship*, 181 B.R. 33, 36 (Bankr. E.D. Pa. 1995) (finding that a prepetition waiver of the automatic stay, on the facts of that case, amounted to an unenforceable restraint on filing for bankruptcy); *but compare In re Excelsior Henderson Motorcycle Mfg. Co., Inc.*, 273 B.R. 920, 923-24 (Bankr. S.D. Fla. 2002) ("Although an order of this court granting relief from stay may debilitate the Debtor somewhat, the Debtor accepted that risk when it agreed to the prepetition waiver of the automatic stay" particularly because "[t]here was no prepetition waiver in the original loan agreement" and where "[t]he agreement not to object to the motion to lift stay was bargained for[.]"); *In re Club Tower L.P.*, 138 B.R. 307, 311 (Bankr. N.D. Ga. 1991) (finding no violation of public policy when "enforcing a pre-bankruptcy agreement provision by which a debtor agrees not to oppose the granting to a lender of relief from stay"); *In re Citadel Properties, Inc.*, 86 B.R. 275, 275 (Bankr. M.D. Fla. 1988) (enforcing a prepetition waiver of the automatic stay where the parties entered into a settlement agreement that allowed the creditor to seek immediate relief from the automatic stay).

In sum, the debtor's prepetition agreement with Wells Fargo weighs somewhat in favor of granting relief from the automatic stay, but it is not determinative. For the reasons set forth in part "(1)" of this tentative ruling above, it still appears to be appropriate not to grant such relief, at least at this early stage of this bankruptcy case.

(3) To protect Dr. Sommer from Wells Fargo's litigation, it appears that either he must file his own bankruptcy case or the debtor must seek injunctive

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relief. Some of the debtor's arguments rely on protection of its principal, Dr. Sommers, because he is (apparently) essential to the debtor's business, and his ability to preserve and grow the debtor's value will be greatly impeded if Wells Fargo is granted relief from the automatic stay. That is somewhat persuasive in the short term.

But in general, if it is important for the debtor's viability to shield Dr. Sommers from litigation then the remedy is one of two things. He could file his own bankruptcy case (to obtain the protections of the automatic stay, in exchange for the burdens and obligations of being a debtor in bankruptcy). Alternatively the debtor could bring an adversary proceeding seeking injunctive relief. See Rule 7001, Fed. R. Bankr. P; *In re Excel Innovations, Inc.*, 502 F.3d 1086 (9th Cir. 2007); *In re Am. Hardwoods, Inc.*, 885 F.2d 621, 626 (9th Cir. 1989).

This is an additional reason to continue this hearing for a short period of time. If the debtor (or Dr. Sommer) wish to pursue one of these avenues, or any other relief that they believe to be essential or advisable to protect the debtor, then they may do so. They are cautioned, however, without pursuing such alternatives he probably cannot use the debtor as a shield for very long.

(4) Other considerations for granting or denying relief from the automatic stay to proceed before a non-bankruptcy forum. At the continued hearing the parties should be prepared to discuss the '*Curtis*' factors, considered in determining whether or not relief from stay to proceed before a non-bankruptcy forum is appropriate. *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004).

(5) Further briefing and evidence. The parties may, if they wish, file supplemental briefs or evidence on the same schedule as if Wells Fargo were filing and serving a new motion for hearing at the above date and time. This Court strongly encourages the parties, however, to attempt to reach a consensual resolution (and, if they wish, they can grant each other additional time to file papers, or agree to a continued hearing date, to provide themselves with time to attempt such a resolution).

If you wish to dispute the above tentative ruling, please see Judge Bason's

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Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Tentative Ruling for 8/2/16:

See tentative ruling for chapter 11 status conference (8/2/16, 2:00 p.m., calendar no. 9).

Tentative Ruling for 5/31/16:

Continue to 7/19/16 at 1:00 p.m. to address the following issues.

Appearances are not required on 5/31/16.

Key documents reviewed: motion of Wells Fargo Bank, N.A. ("Wells Fargo") for relief from automatic stay (dkt. 61); debtor's response (dkt. 72); Wells Fargo's reply (dkt. 77, at p.); and joinder of Dr. Sommer (debtor's principal and, apparently, its major creditor and landlord) (dkt. 78).

Reasons:

(1) Wells Fargo apparently seeks relief primarily against Dr. Sommers, but also against the debtor. Wells Fargo contends that it seeks to recover primarily from Dr. Sommers, who owns the subject property, and Wells Fargo further agrees that the stay will remain in effect as to enforcement of any judgment against this debtor (retaining the right to file a proof of claim, if appropriate) (see dkt. 61, p. 3, para. 4.b.). It appears, however, that any relief against Dr. Sommers is in effect relief against the debtor, or at least it has the potential to have a very substantial negative impact against the debtor.

According to the debtor's bankruptcy schedule G (dkt. 29, PDF p. 22-23), it leases the property. It is unclear whether foreclosure against Dr. Sommers would wipe out the debtor's leasehold interest, but that might well be so, and then the debtor's business might well collapse. Moreover, conceivably the debtor would have no right to continue its occupancy even long enough to allow it to find/lease new premises, move out equipment, sell its business or equipment to a purchaser, or otherwise protect its value, and that would harm all other creditors, employees, and other parties in interest. See *In re Perl*, 811 F.3d 1120 (9th Cir. 2016).

This Court expresses no opinion whether those consequences necessarily would flow from granting Wells Fargo the relief that it requests

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from the automatic stay; but the point is that Wells Fargo has not addressed these issues, and on the present record its acts that are nominally only against Dr. Sommers apparently have the potential to harm severely the interests of other creditors. That weighs against granting relief to Wells Fargo, provided that its interests can be adequately protected within the meaning of 11 U.S.C. 361 & 362(d)(1).

Adequate protection in this case appears to rest largely on the debtor's ability to maintain and grow its value as a viable business, and for those purposes it needs a space in which to operate. Wells Fargo has not presented any evidence that the value of the debtor's business is declining.

To the contrary, the only evidence before this Court (albeit mostly presented on different motions) suggests that the debtor may have a viable strategy to reorganize its finances and exit from bankruptcy. Presumably, as in most cases, the best proof of whether that is so will be the debtor's postpetition performance, with greater leeway being afforded to the debtor for a short period at the start of the case.

Accordingly, on the present record it appears that Wells Fargo is adequately protected, and that it is in the best interests of the bankruptcy estate and other creditors not to grant relief from the automatic stay at this time.

The remainder of this tentative ruling addresses whether there are additional considerations that weigh either in favor of relief from the automatic stay or against it. There are considerations on both sides.

(2) Prepetition agreement not to oppose relief from the automatic stay. The debtor analogizes to prepetition agreements to waive the bankruptcy discharge, or not to file a bankruptcy petition at all, and Wells Fargo points out that those are not the actual situation. Neither party cites to relevant reported decisions, which generally disfavor prepetition agreements to relief from the automatic stay, but which also sometimes weigh them to some extent in favor of granting such relief, especially when the debtor (and other creditors) have obtained benefits in exchange for such waivers. See, e.g., *Matter of Pease*, 195 B.R. 431, 433 (Bankr. D. Neb. 1996) (prepetition waiver unenforceable on public policy grounds); *In re Jenkins Court Associates Ltd. P'ship*, 181 B.R. 33, 36 (Bankr. E.D. Pa. 1995) (finding that a prepetition waiver of the automatic stay, on the facts of that case, amounted to an unenforceable restraint on filing for bankruptcy); *but compare In re Excelsior*

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Henderson Motorcycle Mfg. Co., Inc., 273 B.R. 920, 923-24 (Bankr. S.D. Fla. 2002) ("Although an order of this court granting relief from stay may debilitate the Debtor somewhat, the Debtor accepted that risk when it agreed to the prepetition waiver of the automatic stay" particularly because "[t]here was no prepetition waiver in the original loan agreement" and where "[t]he agreement not to object to the motion to lift stay was bargained for[.]"); *In re Club Tower L.P.*, 138 B.R. 307, 311 (Bankr. N.D. Ga. 1991) (finding no violation of public policy when "enforcing a pre-bankruptcy agreement provision by which a debtor agrees not to oppose the granting to a lender of relief from stay"); *In re Citadel Properties, Inc.*, 86 B.R. 275, 275 (Bankr. M.D. Fla. 1988) (enforcing a prepetition waiver of the automatic stay where the parties entered into a settlement agreement that allowed the creditor to seek immediate relief from the automatic stay).

In sum, the debtor's prepetition agreement with Wells Fargo weighs somewhat in favor of granting relief from the automatic stay, but it is not determinative. For the reasons set forth in part "(1)" of this tentative ruling above, it still appears to be appropriate not to grant such relief, at least at this early stage of this bankruptcy case.

(3) To protect Dr. Sommer from Wells Fargo's litigation, it appears that either he must file his own bankruptcy case or the debtor must seek injunctive relief. Some of the debtor's arguments rely on protection of its principal, Dr. Sommers, because he is (apparently) essential to the debtor's business, and his ability to preserve and grow the debtor's value will be greatly impeded if Wells Fargo is granted relief from the automatic stay. That is somewhat persuasive in the short term.

But in general, if it is important for the debtor's viability to shield Dr. Sommers from litigation then the remedy is one of two things. He could file his own bankruptcy case (to obtain the protections of the automatic stay, in exchange for the burdens and obligations of being a debtor in bankruptcy). Alternatively the debtor could bring an adversary proceeding seeking injunctive relief. See Rule 7001, Fed. R. Bankr. P.; *In re Excel Innovations, Inc.*, 502 F.3d 1086 (9th Cir. 2007); *In re Am. Hardwoods, Inc.*, 885 F.2d 621, 626 (9th Cir. 1989).

This is an additional reason to continue this hearing for a short period of time. If the debtor (or Dr. Sommer) wish to pursue one of these avenues, or any other relief that they believe to be essential or advisable to protect the

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debtor, then they may do so. They are cautioned, however, without pursuing such alternatives he probably cannot use the debtor as a shield for very long.

(4) Other considerations for granting or denying relief from the automatic stay to proceed before a non-bankruptcy forum. At the continued hearing the parties should be prepared to discuss the 'Curtis' factors, considered in determining whether or not relief from stay to proceed before a non-bankruptcy forum is appropriate. *In re Curtis*, 40 B.R. 795, 799–800 (Bankr. D. Utah 1984). See *In re Kronmeyer*, 405 B.R. 915 (9th Cir. BAP 2009); *In re Plumberex Specialty Prods., Inc.*, 311 B.R. 551, 559–60 (Bankr. C.D. Cal.2004).

(5) Further briefing and evidence. The parties may, if they wish, file supplemental briefs or evidence on the same schedule as if Wells Fargo were filing and serving a new motion for hearing at the above date and time. This Court strongly encourages the parties, however, to attempt to reach a consensual resolution (and, if they wish, they can grant each other additional time to file papers, or agree to a continued hearing date, to provide themselves with time to attempt such a resolution).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

MEDomics, LLC

Represented By
Illyssa Fogel
Michael Jay Berger

Movant(s):

Wells Fargo Bank, National

Represented By
Edward J Miller

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#9.00 Cont'd status conference re: Chapter 11 case
fr. 5/3/16, 6/7/16, 7/5/16, 8/2/16, 9/6/16

Docket 6

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues

(a) Background. Creditor Wells Fargo Bank, N.A. ("Wells Fargo") has opposed the use of what it asserted was its cash collateral (e.g., case dkt. 43) and has sought relief from the automatic stay (case dkt. 61) to pursue its remedies both against the debtor and against the debtor's principal, guarantor, landlord, and creditor Dr. Steve S. Sommer. Dr. Sommer sought injunctive relief against Wells Fargo to stop it from foreclosing (pursuant to his guaranty) on his home (adv. no. 2:16-bk-01311-NB, dkt. 2). This court has granted limited relief to both parties.

Specifically, this court's orders (case dkt.146 & adv.dkt.15) (the "Limited Injunction Orders") have modified the automatic stay (to the extent it applies) and granted preliminary injunctive relief such that Wells Fargo may proceed with its action in State Court against Dr. Sommer and may send out notices of foreclosure sale (if scheduled after 10/23/16) but, unless and until this court grants further relief, Wells Fargo continues to be stayed and is enjoined from actually foreclosing. This court also granted limited authority to use cash collateral (see, e.g., case dkt. 37, 53), which at first appeared to be the cash collateral of Wells Fargo but now appears to be the cash collateral of a different creditor ("Socket").

Meanwhile Dr. Sommer has exhibited a propensity to violate this court's orders and his duties as a debtor in possession (e.g., without seeking authorization he paid the debtor's employees and repaid alleged debts to himself). See, e.g., dkt. 159 (amended 1st MOR showing loan repayment). So this Bankruptcy Court ordered the appointment of a Chapter 11 Trustee,

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David M. Goodrich ("Trustee") (case dkt. 114). Dr. Sommer's scientific skills and hard work appear to be critical to the debtor's successful reorganization (despite any shortcomings as a business manager or as a fiduciary for creditors). He continues to act as the debtor's principal, under the supervision of the Trustee.

From the inception of this bankruptcy case, Dr. Sommer has been hopeful that a new business model and better collection of accounts will lead to higher revenues. Some degree of success in these matters (by both the Trustee and Dr. Sommer) appears to be reflected in the most recent monthly operating report ("MOR") (for Aug.2016, dkt.157). This limited success has led to the following current matters.

(a) Dr. Sommer's request for increased compensation. Dr. Sommer seeks to increase his monthly compensation by approximately double. See dkt. 166, 169. The Trustee opposes that request and seeks to restrict spending to \$40,000 per month, based on concerns that revenues may dip for seasonal or other reasons, and also based on the inconsistencies in what Dr. Sommer claims to have earned in the past. See dkt. 152, 153, 166, 169.

The tentative ruling is that the burden is on Dr. Sommer to set a hearing on his proposed increase in compensation. The tentative ruling is also that on the one hand Dr. Sommer's monthly pay should be increased somewhat, based on the evidence of his long working hours and the benefits to the debtor, but on the other hand it appears to be necessary and appropriate to limit that increase as necessary to avoid unduly jeopardizing the debtor's nascent financial turnaround. The parties should be prepared to address these issues, including not only fairness to Dr. Sommer and the debtor/bankruptcy estate, but also fairness to Wells Fargo and other creditors (e.g., whether Dr. Sommer has provided any evidence to the Trustee or this court that without increased pay he will be unable to pay Wells Fargo).

(b) Other possible requests. Dr. Sommer reportedly wants the Trustee to pay more to the debtor's employees, and to "repay" what he now apparently characterizes as "loans" that he made to the debtor's employees out of his own pocket to cover their payroll (as distinguished from an unauthorized loan that he made to the debtor to pay its employees, or an equity contribution that he made to the debtor for the same purpose and to protect his equity and fend off foreclosure of his house, or any other possible

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characterization of the transaction). See dkt. 152, 153. The Trustee, meanwhile, reportedly seeks to increase his bond. See MOR dkt.157 p.16.

The tentative ruling is that these things are not properly before this court at this time. If a proper motion or application is filed and served, this court will address these issues.

(c) Continuation of status quo. The tentative ruling is to continue indefinitely the Limited Injunction Orders (dkt.146 & Adv.dkt.15) (subject to further modification if necessary or appropriate in view of future developments). In other words, Wells Fargo can continue to litigate with Dr. Sommer and taking steps that are preconditions to foreclosure, but it will still be prohibited from actually foreclosing.

(2) Deadlines/dates. This case was filed on 4/5/16.

(a) Bar date: 6/30/16 (timely served, dkt. 54)

(b) Plan/Disclosure Statement*: to be set at a future status conference.

(c) Continued status conference: 12/13/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/6/16:

Continue all matters to 10/11/16 based on the relatively positive report (dkt. 152) of the Chapter 11 Trustee (see also dkt. 153, status report of Dr. Sommer), and meanwhile (1) foreclosure of Dr. Sommer's house will continue to be prohibited by this court's orders (dkt. 146 and adv. no. 2:16-ap-01311-NB, dkt. 15), and (2) Socket Capital and the Chapter 11 Trustee may lodge any stipulation, or file any other relevant papers, regarding the proposed use of cash collateral. Appearances are not required on 9/6/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

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Revised Tentative Ruling for 8/2/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Background. Creditor Wells Fargo Bank, N.A. ("Wells Fargo") has opposed the use of its cash collateral (e.g., case dkt. 43) and has sought relief from the automatic stay (case dkt. 61) to pursue its remedies both against the debtor and against the debtor's principal, guarantor, landlord, and creditor Dr. Steve S. Sommer (Wells Fargo has, commendably, recognized that it might need such relief, at least to foreclose on the property rented by the debtor, even though Dr. Sommer stipulated prepetition to such relief). This Bankruptcy Court has granted Wells Fargo some relief, and also some relief to the debtor/bankruptcy estate, by providing very limited authority to the debtor to use cash collateral (case dkt. 37, 53).

More recently, primarily due to Dr. Sommer's non-compliance with the orders of this Bankruptcy Court regarding the use of cash collateral, this Bankruptcy Court has ordered the appointment of a Chapter 11 Trustee, and has approved the US Trustee's selection of David M. Goodrich ("Trustee") to serve in that role (case dkt. 114, order issued 6/15/16). Dr. Sommer continues to act as the debtor's principal, under the supervision of the Trustee.

Dr. Sommer, apparently recognizing that the automatic stay that protects the debtor might not actually protect him or his interests, or might be modified to eliminate any such protection, filed a motion for an injunction (case dkt. 119, filed 6/24/16). At a status conference in this case on 7/5/16, this Bankruptcy Court (i) expressed the view that the relief requested by Dr. Sommer appears to require an adversary proceeding (see Rule 7001(7), Fed. R. Bankr. P.), (ii) set certain deadlines for Dr. Sommer to commence any such adversary proceeding, and (iii) continued certain matters, such as Wells Fargo's motion for relief from the automatic stay, with no party objecting, to this date and time.

On 7/8/16 Dr. Sommer withdrew his motion in the main case for injunctive relief (case dkt. 126). On 7/13/16 he commenced his adversary proceeding (case dkt. 131, commencing Adv. No. 2:16-bk-01311-NB) and

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filed a motion (adv. dkt. 2) seeking essentially the same relief. Wells Fargo has filed opposition papers (adv. dkt. 8-9), and Dr. Sommer has (untimely) filed reply papers (dkt. 10-11).

Meanwhile, from the inception of this bankruptcy case, Dr. Sommer has been hopeful that a new business model and better collection of accounts will lead to higher revenues. In his motion for an injunction, Dr. Sommer states that postpetition revenue has significantly increased. But it is unclear whether this actually has happened. It does not appear to be reflected on monthly operating reports (see, e.g., dkt. 129).

(b) Adversary proceeding 2:16-bk-01311-NB: motion for preliminary injunction (adv. dkt. 2). It appears to be undisputed that Dr. Sommer performs essential functions for the debtor and his ongoing assistance may be critical to the debtor's ability to function at all, let alone any hope of providing a dividend to creditors. In addition, Dr. Sommer apparently devotes a huge number of hours each week to the debtor, and he has suffered from health problems in the past, so he has strong reasons for wanting to be protected from Wells Fargo.

But the burdens on Dr. Sommer, and his benefits to the debtor, are not the only considerations. Ultimately the issue is whether providing injunctive relief to protect Dr. Sommer from Wells Fargo's pursuit of its remedies is the only means, and the most appropriate means, of providing some protection to Dr. Sommer and attempting to assure his ongoing assistance to the debtor.

(i) Standing. The tentative ruling is that the motion must be denied because Dr. Sommer has not adequately established standing to bring the motion. The debtor, through the chapter 11 trustee, is the only party with standing to request an injunction under 11 U.S.C. 105(a), at least unless Dr. Sommer can establish an exception to this rule. See adv. dkt. 8, p. 3:9-18; *In re Consol. Pioneer Mortgage Entities*, 205 B.R. 422, 425 (9th Cir. BAP 1997) ("And more importantly, standing to enjoin the actions of a third party rests with the debtor, debtor in possession, or the trustee, and not with the third party.") (internal citations and punctuation omitted).

It is true that standing sometimes can be established by creditors to act on behalf the estate, such as when a debtor in possession fails or refuses to act in the best interests of creditors, or when the debtor/trustee joins in a creditor's request for relief. See adv. dkt. 10, p. 8:10-9:2, and see generally, e.g., 11 U.S.C. 1109; *In re Lahijani*, 325 B.R. 282, 288 (9th Cir. BAP 2005);

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Matter of Ring, 178 B.R. 570, 577 (Bankr. S.D. Ga. 1995) (creditor had standing under 11 U.S.C. 105 for purposes of contempt proceeding).

But in this case the Trustee has not joined in Dr. Sommer's request for relief. In addition, as set forth below, Dr. Sommer has not established that such request is truly necessary or appropriate in the best interests of the estate.

(ii) Dr. Sommer can file his own bankruptcy. Until his reply, Dr. Sommer largely ignored this Court's question, posed in the context of its tentative ruling on Wells Fargo's motion for relief from stay, asking why he could not file his own bankruptcy if he sought to stay Wells Fargo's acts against him or his property interests. There are dangers to granting non-debtors such as Dr. Sommer the protections of a stay without the concurrent obligations of the bankruptcy code.

For example, if Dr. Sommer had to file his own bankruptcy case he would have to disclose certain financial matters that might include constructively fraudulent transfers, preferences, or other avoidable transfers that Dr. Sommer may have made to third parties, or that he might have received from the debtor. In addition to such disclosure requirements, a bankruptcy petition by Dr. Sommer would offer other benefits, such as tolling of statutes of limitations as provided in 11 U.S.C. 108. In other words, Dr. Sommer has not shown how it is appropriate to enjoin acts against him and thereby provide him with one of the principal benefits of bankruptcy protection without the concomitant obligations and protections for his own creditors and the debtor's creditors.

Dr. Sommer contends that there are two weaknesses with the proposition that he file his own bankruptcy. First, he contends that this is not an "adequate remedy at law."

While it is true that bankruptcy is an equitable proceeding, and in that sense not a "remedy at law," it is also true that injunctive relief is an equitable remedy. The burden is on Dr. Sommer to show why it is equitable to provide him with the protection of an injunction without the burdens and protections that typically would accompany such protection.

Second, Dr. Sommer contends that he would lose the non-exempt equity in his home which is a possible source of funding for this estate. This argument also fails.

If there is substantial equity then presumably Dr. Sommer can provide a treatment of Wells Fargo in his own bankruptcy case that will (A) provide

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adequate protection and full present value to Wells Fargo (see 11 U.S.C. 361-363 & 1129(a)&(b)) while also (B) using any excess equity for the benefit of the debtor and himself. He has not shown how that would be impossible or inequitable.

(iii) Alternatively, Dr. Sommer can elect not to file his own bankruptcy petition. Dr. Sommer has not established that it necessarily would be detrimental to the bankruptcy estate if Wells Fargo were free to continue pursuing foreclosure against the property rented by the debtor, and its other remedies. Wells Fargo appears in its own self-interest to have an incentive not to destroy the debtor's business, if that business is truly viable and could be a realistic source of payment to Wells Fargo (and other creditors). Alternatively, even if Wells Fargo is unwilling to work with the debtor and Dr. Sommer, the foreclosure process will take several months (according to the un rebutted allegations by Wells Fargo) and there may be other remedies such as selling the property and using its alleged equity.

(iv) Conclusion. Although this Bankruptcy Court recognizes that Dr. Sommer's services may be essential for the debtor, and that he might be unable to devote as much time to the debtor or even choose to abandon the debtor if he does not obtain the injunctive relief that he seeks, he has not shown how it is appropriate to grant him the benefits of a stay without the burdens and protections for creditors that normally are required for such a stay. The tentative ruling is to deny his motion for a preliminary injunction, except for a very brief period described below for Dr. Sommer to file his own bankruptcy petition, if he chooses to do so.

(c) Motion for relief from the automatic stay. For the reasons set forth in this Court's original tentative ruling (see matter number 7 for 8/2/16 at 2:00 p.m., including a copy of the tentative ruling for 5/31/16) and based on Wells Fargo's largely un rebutted analysis of the *Curtis* factors (2:16-ap-01311-NB, adv. dkt. 8:2-9:12), the tentative ruling is to modify the automatic stay as follows. After a short period described below, Wells Fargo (i) may pursue its remedies against Dr. Sommer or his interests, including any foreclosure of the property that is rented by the debtor, but (ii) not actually hold any foreclosure sale prior to a future date, to be set at this 8/2/16 hearing after hearing from the Trustee regarding the debtor's present and anticipated performance, and not otherwise collect from the debtor.

The tentative ruling is to such that short period at 21 days from this hearing date - *i.e.*, through 8/23/16. This further stay is intended to provide

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Dr. Sommer an opportunity to determine whether or not he will file his own bankruptcy petition, or pursue some other (legal and proper) form of relief.

(d) Cash collateral. This Bankruptcy Court previously directed Dr. Sommer's counsel to communicate with chambers to discuss why the order regarding cash collateral had been rejected. As far as this Court is aware, no such communication was made and, based on a review of this Court's records of rejected orders, it is unclear that Dr. Sommer's counsel ever properly lodged the order (it would appear on the docket or in this Court's rejected order list, but it does not appear in either place). Accordingly, Dr. Sommer's counsel should be prepared to address why he has not taken care of lodging a proposed cash collateral order.

(2) Deadlines/dates. This case was filed on 4/5/16. If this Court does not convert or dismiss this case, it intends to set the following deadlines.

(a) Bar date: 6/30/16 (timely served, dkt. 54)

(b) Plan/Disclosure Statement*: Any prior deadlines are vacated. The parties should be prepared to address what deadlines may be appropriate.

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/2/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Background. This Court held a status conference in this case on 7/5/16. At that status conference, this Court set certain deadlines for Dr. Sommer to commence an adversary proceeding, and continued certain

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matters, such as Wells Fargo's motion for relief from the automatic stay, with no party objecting, to this date and time.

(b) Adversary proceeding 2:16-bk-01311-NB: motion for preliminary injunction (adv. dkt. 2). This Court has reviewed plaintiff and creditor Dr. Steve S. Sommer's motion for a preliminary injunction (adv. dkt. 2) and the opposition thereto (adv. dkt. 8, 9). On 7/27/16, Dr. Sommer filed an untimely reply.

(i) Standing. As an initial matter, the tentative ruling is that the debtor, through the chapter 11 trustee, and not Dr. Sommer, is the only party with standing to request an injunction under 11 U.S.C. 105(a). Adv. dkt. 8, p. 3:9-18; see *In re Consol. Pioneer Mortgage Entities*, 205 B.R. 422, 425 (9th Cir. BAP 1997) ("And more importantly, standing to enjoin the actions of a third party rests with the debtor, debtor in possession, or the trustee, and not with the third party.") (internal citations and punctuation omitted). Accordingly, on this basis, the tentative ruling is that the motion for injunctive relief must be denied.

However, because standing can be established by creditors on behalf the estate under certain circumstances, such as those cited by Dr. Sommer in his reply (adv. dkt. 10, p. 8:10-9:2), this Court will assume without deciding that Dr. Sommer *could* establish standing, either as a creditor or by having the debtor join in his action. See, e.g., 11 U.S.C. 1109; *In re Lahijani*, 325 B.R. 282, 288 (9th Cir. BAP 2005); *Matter of Ring*, 178 B.R. 570, 577 (Bankr. S.D. Ga. 1995) (holding that a creditor has standing under 11 U.S.C. 105 for purposes of a contempt proceeding).

(ii) Dr. Sommer can file his own bankruptcy. Until his reply, Dr. Sommer largely ignored this Court's question, posed in the context of its tentative ruling on the motion for relief from stay, asking why he could not file his own bankruptcy and obtain the benefits of the automatic stay, subject to the obligations of the bankruptcy code.

In requesting an injunction rather than filing a bankruptcy, Dr. Sommer does not have to disclose his own financial situation and there are possibly fraudulent transfers, preferences, or other avoidable transfers that Dr. Sommer may have made. As to these possible avoidable transfers, Dr. Sommer is obtaining the benefit of the automatic stay without the tolling of statutes of limitations provided by 11 U.S.C. 108. Dr. Sommer has not shown how this is fair.

These consideration are strengthened by the fact that Dr. Sommer's

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financial success is tied to the success (or failure) of this debtor's reorganization. If Dr. Sommer was simply a standard CEO, perhaps it would be proper to issue an injunction because he would have no incentive to file his own bankruptcy to protect the entity. This is not the case with Dr. Sommer.

Dr. Sommer contends that there are two weaknesses with the proposition that he file his own bankruptcy. First, he contends that this is not an "adequate remedy at law." While this is true, it is a remedy available to him and by analogy it must be considered. Second, he contends that he would lose the non-exempt equity in his home which is a possible source of funding for this estate. This argument also fails. As explained above, Dr. Sommer would essentially be gaining the benefit of the automatic stay, as against Wells Fargo, without any of the substantial burdens of being a debtor in bankruptcy. The automatic stay and other powers afforded to a debtor in possession are the quid pro quo of the disclosure and other requirements of the bankruptcy code. Dr. Sommer cannot have it both ways.

(iii) Motion is denied. Because Dr. Sommer failed to address these issues, and because the issuance of an injunction is not proper here for the reasons set forth above, the Court's tentative ruling is to deny the motion.

(c) Motion for relief from the automatic stay. For the reasons set forth in this Court's original tentative ruling (see matter number 7 for 8/2/16 at 2:00 p.m., tentative ruling for 5/31/16) and based on Wells Fargo's undisputed analysis of the *Curtis* factors (2:16-ap-01311-NB, adv. dkt. 8:2-9:12), the tentative ruling is to grant relief from the automatic stay subject to an expanded 21-day stay of any actions by Wells Fargo to enforce its interests against Dr. Sommer or the debtor. This further stay is intended to provide Dr. Sommer an opportunity to determine whether or not he will file his own bankruptcy.

(d) Cash collateral. This Court directed Dr. Sommer's counsel to contact chambers to discuss why the order regarding cash collateral had been rejected. As far as this Court is aware, no contact was made. Based on this Court's review of its records of rejected orders, it is unclear that Dr. Sommer's counsel ever properly lodged the order (it would appear on the docket or in this Court's rejected order list, but it appears neither place). Accordingly, Dr. Sommer's counsel should be prepared to address why he did not contact chambers and why he has not correctly lodged a cash collateral order.

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(e) Revenue. In his motion for an injunction, Dr. Sommer states that postpetition revenue has significantly increased. Has this actually happened? Why is this not reflected on monthly operating reports (see, e.g., dkt. 129)?

(2) Deadlines/dates. This case was filed on 4/5/16. If this Court does not convert or dismiss this case, it intends to set the following deadlines.

(a) Bar date: 6/30/16 (timely served, dkt. 54)

(b) Plan/Disclosure Statement*: file by 8/31/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 7/5/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Chapter 11 trustee. On 6/15/16, this Court issued an order approving appointment of a chapter 11 trustee. The chapter 11 trustee should be prepared to update this Court on the status of this case. Does this Court need to set a new deadline for the filing of a disclosure statement and plan, or establish alternative procedures for any exit strategy from chapter

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(b) U.S. Trustee's motion to dismiss, convert, or appoint a chapter 11 trustee (dkt. 83). Because this Court has appointed a chapter 11 trustee, this Court's tentative ruling is to deny as moot the U.S. Trustee's motion.

(c) Cash collateral. On 6/7/16, this Court denied, subject to certain conditions, the debtor's continued use of cash collateral. The parties should be prepared to update this Court as to the status of this matter.

(2) Deadlines/dates. This case was filed on 4/5/16.

(a) Bar date: 6/30/16 (timely served, dkt. 54)

(b) Plan/Disclosure Statement*: file by 8/31/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/7/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) New counsel. If this Court adopts its tentative ruling to authorize withdrawal of debtor's bankruptcy counsel of record, the debtor should be

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prepared to address the status of finding new counsel and whether this case should be dismissed or converted, because this is an unrepresented limited liability company. See LBR 9011-2.

(b) Success of new test. As this Court understands, the debtor's new test was implemented relatively recently. Are there any indicia of how it is being received in the market? The most current monthly operating report (dkt. 69, PDF p. 18) shows a net loss of \$4,003.06. Is the new test attracting the hoped-for business?

(c) Healthcare ombudsman. This Court has reviewed the report of the healthcare ombudsman (dkt. 94) and at this time does not anticipate requiring further services but appreciates the ombudsman's willingness to be available in future if needed.

(d) Rejection of Arcadia lease. At the status conference held on 5/3/16, the debtor stated an intention to reject the lease in Arcadia. Why has it not done so? What is the justification of the costs of this delay?

(e) Progress re: Dr. Sommer. The debtor does not appear to have taken any action to obtain injunctive or similar relief regarding Dr. Sommer. Will the debtor be able to reorganize absent such relief?

(f) United States Trustee's motion to dismiss and apparent failure to pay payroll taxes. In addition to the other issues raised in the United States Trustee's motion to dismiss, at the continued hearing, the debtor should be prepared to address whether or not it has paid postpetition payroll taxes and whether any unpaid taxes have been brought current. See dkt. 83, Ex.1&2.

(g) Dismissal or conversion. In view of the foregoing, and based on the debtor's apparent use or non-use of cash collateral, is there any plausible way for this case to proceed? Should this case be dismissed or converted?

(2) Deadlines/dates. This case was filed on 4/5/16. If this Court does not convert or dismiss this case, it intends to set the following deadlines.

(a) Bar date: 6/30/16 (timely served, dkt. 54)

(b) Plan/Disclosure Statement*: file by 8/31/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but,

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whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 7/19/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 5/3/16:

Appearances required by counsel for the debtor and by the principal for the debtor.

(1) Current issues

(a) Status report. The debtor's status report (dkt. 26) is not on the form required by this Court's order (dkt. 5, p. 2, para. 2), making it difficult to see what may have been omitted (e.g., item 12 evades the question whether a health care ombudsman is required, as now stipulated with the US Trustee, dkt. 40). At the hearing, the debtor's new counsel should be prepared to address whether anything else has been omitted.

(b) Exit strategy. The debtor appears to be relying on "a combination of pursuing receivables more aggressively and promoting [its] new test" which this Court understands was only recently developed. Dkt. 26, pp. 1:27-2:1. Has the debtor started to implement this strategy? Are there any indicia of progress so far?

(c) Founder's note. The debtor scheduled a "Founder Note" from the debtor's principal, Dr. Steve Sommer, apparently making him the estate's largest general unsecured creditor. Before any plan will be proposed, is it necessary to address whether this was an equity contribution instead of a loan? Alternatively, should that be addressed in any disclosure statement?

(d) Assumption/rejection of leases. At the hearing on the debtor's motion for authority to use cash collateral, the debtor stated an intention to assume or reject certain leases. When does the debtor anticipate filing a motion to reject the leases, and is the cost of delay justified?

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(e) Former counsel's retainer. The debtor's former counsel, Illyssa Fogel, Esq., apparently accepted \$21,700 out of an agreement for \$100,000 in fees for handling this case. See dkt. 29, PDF p. 29. Will Ms. Fogel be returning any of that to the estate?

(f) Application to employ general bankruptcy counsel. Debtor's proposed general bankruptcy counsel states that it requests a \$20,000 postpetition retainer (of which it has already received \$10,000 as a gift from Alan Rin. See dkt. 33, p. 10-11, para 22. This Court requests that the United States Trustee be prepared to address its position on this arrangement. Is "Alan Rin" related to "Adam Rin," the former alternate managing member of the debtor? See dkt. 30.

(2) Deadlines/dates. This case was filed on 4/5/16.

(a) Bar date: 6/30/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 8/31/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 6/5/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

MEDomics, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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CONT...

MEDomics, LLC

Illyssa Fogel

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
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Hearing Room 1545

1:00 PM

2:16-19232 Ronald Carvalho Leao

Chapter 11

#10.00 Cont'd hrg re: Motion in Individual Ch 11 Case for
Order approving a budget for the use of the debtor's
cash and postpetition income
fr. 9/6/16

Docket 18

Tentative Ruling:

Tentative Ruling for 10/11/16:

See tentative ruling for chapter 11 status conference (10/11/16, 1:00 p.m.,
calendar no. 13).

Tentative Ruling for 9/6/16:

See tentative ruling for chapter 11 status conference (9/6/16, 1:00 p.m.,
calendar no. 10).

Party Information

Debtor(s):

Ronald Carvalho Leao

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
Central District of California
Los Angeles
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1:00 PM

2:16-19232 Ronald Carvalho Leao

Chapter 11

#11.00 Cont'd hrg re: Motion in individual chapter 11 case
for order authorizing use of cash collateral
[11 U.S.C. section 363]
fr. 9/6/16

Docket 17

Tentative Ruling:

Tentative Ruling for 10/11/16:

See tentative ruling for chapter 11 status conference (10/11/16, 1:00 p.m., calendar no. 13).

Tentative Ruling for 9/6/16:

Grant on an interim basis as provided below. Appearances are not required on 9/6/16.

Proposed order: Movant is directed to serve and lodge a proposed order via LOU within 7 days after the hearing date, and attach a copy of this tentative ruling, thereby incorporating it as this court's final ruling.

The following are Judge Bason's standard conditions for (A) use of cash collateral or (B) postpetition financing by creditor(s) holding prepetition claim(s):

(1) Form of order.

(a) Any proposed order granting the motion shall include this tentative ruling as an exhibit, thereby adopting it as the written ruling of the court.

(b) Orders approving the use of cash collateral may be on local form F2081-1.1.ORDER.CASH.COLLATERAL.

(c) Rather than repeating any terms set forth in the motion or any stipulation, the proposed order must simply incorporate those terms by reference (including the docket number of the document) or simply grant the motion (except as modified in this tentative ruling or as otherwise directed by the court).

(2) Interim and final relief. Except as specifically provided in any order

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CONT... Ronald Carvalho Leao

Chapter 11

granting the motion, any initial relief shall be on an interim basis only, and shall be subject to modification at a final hearing to be noticed and held as follows:

Hearing: 10/11/16 at 1:00 p.m.

Deadline for debtor to serve and file notice of hearing: 9/9/16.

(3) Minimum adequate protection. In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be included in the motion or related papers, the debtor shall provide at least the following protection to any creditor with a security interest in the subject property, pursuant to 11 U.S.C. 361-364, as applicable:

(a) Insurance. The debtor is directed to maintain insurance on the property in a dollar amount at least equal to the debtor's good faith estimate of the value of such creditor's interest in any collateral that is typically insured, and such insurance shall name such creditor as an additional insured.

(b) Taxes. The debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. The debtor is directed to provide, upon such creditor's reasonable request, an accounting of postpetition rents, profits, and expenses, appropriate documentation of those things, and access for purposes of inspection or appraisal.

(d) Disputes. In the event of any disputes regarding the rulings herein, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact the chambers of Judge Bason to arrange a mutually convenient time for a telephonic hearing to address such disputes.

(4) Limitation on postpetition liens. In the event that the motion or related papers seek authority to grant postpetition liens to the creditor(s) *with respect to prepetition debts* any such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or the court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date, unless the order approving the motion not only states the new types of collateral but also

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Chapter 11

includes a specific statement that such types of collateral are different from the prepetition collateral. For example, postpetition liens shall not extend to the proceeds of any avoidance actions, any recoveries under 11 U.S.C. 506 (c), or any "carveout" under 11 U.S.C. 552, unless the order approving the motion specifically states otherwise.

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any automatic perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(5) Automatic disapproval of insufficiently disclosed provisions. Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either:

(a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively

(b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Ronald Carvalho Leao

Represented By
Onyinye N Anyama

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Central District of California
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2:16-19232 Ronald Carvalho Leao

Chapter 11

#12.00 Cont'd hrg re: Motion to avoid junior lien on principal residence with creditor JP Morgan Chase and Trojan Capital Investments, LLC [11 U.S.C. section 506 (d)]
fr. 9/6/16

Docket 24

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required. There is no tentative ruling, but the parties should be prepared to address the status of their negotiations regarding informal discovery and other issues raised in the junior lienholder's opposition, as directed by this court in its adopted 9/6/16 tentative ruling on the motion (reproduced in full, below).

Additionally, this court notes that the junior lienholder has not filed its own appraisal as of the deadline set for doing so by this court in its adopted 9/6/16 tentative ruling (*i.e.*, two weeks prior to this hearing). Has the junior lienholder waived or forfeited its opposition?

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/6/16:

Continue to 10/11/16 at 1:00 p.m. to address the following issues.

Appearances are not required on 9/6/16.

Reasons:

(1) Appraisal; date of valuation

The junior lienholder has requested (dkt. 31) additional time to obtain an appraisal. The debtor is directed to provide reasonable access for that purpose. The junior lienholder is directed to file and serve the appraisal at least two weeks before the continued hearing. Note: Judge Bason's tentative ruling is to require valuations *at or near the petition date*. See *In re Gutierrez*,

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Chapter 11

503 B.R. 458 (Bankr. C.D. Cal. 2013).

At the continued hearing the parties should address how they propose to resolve their disputes - e.g., (i) with an evidentiary hearing; (ii) with a court ruling based solely on the written record (to save costs, if all parties consent), (iii) through mediation, or (iv) through appointment of an appraiser (jointly selected by the parties/their appraisers) as the court's own expert under FRE 706.

(2) Other issues in opposition

The parties are directed to meet and confer regarding informal discovery and other means to address the issues raised in the opposition.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Party Information

Debtor(s):

Ronald Carvalho Leao

Represented By
Onyinye N Anyama

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2:16-19232 Ronald Carvalho Leao

Chapter 11

#13.00 Cont'd status conference re: Chapter 11 case
fr. 8/9/16, 9/6/16

Docket 7

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Budget motion. At the 9/6/16 status conference, this court raised concerns regarding the debtor's excessive communications expenses (see 9/6/16 tentative ruling, reproduced below). The docket does not reflect any amended budget. What remedy should this court impose?

(b) Cash collateral motion. This court's tentative ruling is to approve the cash collateral motion on a final basis, on the same conditions established for interim use of cash collateral (dkt. 54).

(2) Deadlines/dates. This case was filed on 7/12/16.

(a) Bar date: 10/28/16 (timely served, dkt. 32).

(b) Plan/Disclosure Statement*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for such objections are established).

(c) Continued status conference: 11/8/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status

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conference).

Chapter 11

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/6/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Budget motion. The debtor's expenses set forth in his proposed budget (dkt. 18, PDF p. 8) for his home phone (\$250) and his cell phone (\$320) seem unusually high, particularly for a family with no disclosed dependents. Even assuming that these costs include internet service, this court is concerned that the debtor is paying too much for these services. Why are the debtor's communications costs so high?

(b) Unauthorized payment of prepetition debt? The debtor's opposition (dkt. 48, p.3:1-5) to the UST's motion to dismiss (dkt. 38) appears to state that the debtor paid his bank prepetition debts (overdrafts). If so, what remedy should this court impose for that unauthorized payment of one creditor ahead of others?

(c) UST compliance? Is the debtor current on quarterly UST fees? Have other compliance issues been adequately addressed?

(2) Deadlines/dates. This case was filed on 7/12/16.

(a) Bar date: 10/28/16 (timely served, dkt. 32).

(b) Plan/Disclosure Statement*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

Note: If the U.S. Trustee wishes to file initial comments on any draft Plan documents *before* the regular deadline, it should do so at least two weeks prior to the subsequent status conference (but, whether or not any comments are filed, all rights are reserved to object to the Disclosure Statement or Plan when deadline(s) for

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Chapter 11

such objections are established).

(c) Continued status conference: 9/13/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 8/9/16:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues

(a) Cash collateral. The Bankruptcy Code prohibits the use of cash collateral without court approval (or consent of the secured creditor, but typically that creditor will not consent without provisions that require court approval). See 11 U.S.C. 363(c). Debtors generally must use cash collateral very soon, for everything from paying utilities to adequate protection payments. For that reason, Judge Bason's posted procedures provide automatically shortened time. Why did counsel for the debtor self-calendar the motion (dkt. 17) for 9/6/16 when this case was filed on 7/12/16? Is the debtor violating the Bankruptcy Code?

(b) Lease of Theresa Street Property. In his Schedule G, the debtor attests that the lessee for the Theresa Street property is under a one year lease. See dkt. 1, PDF p. 36. In the case status report, the debtor claims the lease is month to month. See dkt. 20, PDF p. 5. Which is it?

(2) Deadlines/dates. This case was filed on 7/12/16.

(a) Bar date: 10/28/16 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 11/29/16 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 9/6/16 at 1:00 p.m. No written status

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Ronald Carvalho Leao

Chapter 11

report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Ronald Carvalho Leao

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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2:16-21552 Antonio Pereyra Garcia

Chapter 11

#14.00 Hrg re: Motion in Individual Ch 11 Case for Order
Pursuant to 11 U.S.C. Sec. 363 Setting Budget for
Interim Use of Estate Property as Defined in 11 U.S.C.
Sec. 1115

Docket 21

Tentative Ruling:

See tentative ruling for chapter 11 status conference (10/11/16, 1:00 p.m.,
calendar no. 16).

Party Information

Debtor(s):

Antonio Pereyra Garcia

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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2:16-21552 Antonio Pereyra Garcia

Chapter 11

#15.00 Hrg re: Motion in individual chapter 11 case
for order authorizing use of cash collateral

Docket 18

Tentative Ruling:

Appearances required. It appears that the debtor's creditors have received conflicting notice of the deadline for oppositions to the motion. The debtor's notice of hearing on the cash collateral motion (dkt. 30) incorrectly advised creditors that the motion was being heard on regular notice, with oppositions due 14 days prior to the hearing. The debtor's creditors were also served with a copy of this court's order setting this matter on shortened notice (dkt. 25, 32), which set 10/6/16 as the deadline for oppositions to the cash collateral motion. For this reason, this court will permit creditors to submit their oppositions to the cash collateral motion orally at the hearing.

Subject to any opposition received at the hearing, this court's tentative ruling is to grant the motion. The following are Judge Bason's standard conditions for (A) use of cash collateral or (B) postpetition financing by creditor(s) holding prepetition claim(s):

(1) Form of order.

(a) Any proposed order granting the motion shall include this tentative ruling as an exhibit, thereby adopting it as the written ruling of the court.

(b) Orders approving the use of cash collateral may be on local form F2081-1.1.ORDER.CASH.COLLATERAL.

(c) Rather than repeating any terms set forth in the motion or any stipulation, the proposed order must simply incorporate those terms by reference (including the docket number of the document) or simply grant the motion (except as modified in this tentative ruling or as otherwise directed by the court).

(2) Interim and final relief. Except as specifically provided in any order granting the motion, any initial relief shall be on an interim basis only, and shall be subject to modification at a final hearing to be noticed and held as follows:

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Antonio Pereyra Garcia

Chapter 11

Hearing: 11/29/16 at 1:00 p.m.

Deadline for debtor to serve and file notice of hearing: 10/7/16.

(3) Minimum adequate protection. In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be included in the motion or related papers, the debtor shall provide at least the following protection to any creditor with a security interest in the subject property, pursuant to 11 U.S.C. 361-364, as applicable:

(a) Insurance. The debtor is directed to maintain insurance on the property in a dollar amount at least equal to the debtor's good faith estimate of the value of such creditor's interest in any collateral that is typically insured, and such insurance shall name such creditor as an additional insured.

(b) Taxes. The debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. The debtor is directed to provide, upon such creditor's reasonable request, an accounting of postpetition rents, profits, and expenses, appropriate documentation of those things, and access for purposes of inspection or appraisal.

(d) Disputes. In the event of any disputes regarding the rulings herein, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact the chambers of Judge Bason to arrange a mutually convenient time for a telephonic hearing to address such disputes.

(4) Limitation on postpetition liens. In the event that the motion or related papers seek authority to grant postpetition liens to the creditor(s) *with respect to prepetition debts* any such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or the court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date, unless the order approving the motion not only states the new types of collateral but also includes a specific statement that such types of collateral are different from the prepetition collateral. For example, postpetition liens shall not extend to the proceeds of any avoidance actions, any recoveries under 11 U.S.C. 506

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Chapter 11

(c), or any "carveout" under 11 U.S.C. 552, unless the order approving the motion specifically states otherwise.

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any automatic perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(5) Automatic disapproval of insufficiently disclosed provisions. Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either:

(a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively

(b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Antonio Pereyra Garcia

Represented By
Onyinye N Anyama

**United States Bankruptcy Court
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2:16-21552 Antonio Pereyra Garcia

Chapter 11

#16.00 Cont'd status conference re: Chapter 11 case
fr. 9/27/16

Docket 7

Tentative Ruling:

Tentative Ruling for 10/11/16:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Chapter 11 v. Chapter 13. At the 9/27/16 case status conference, the U.S. Trustee was requested to investigate whether the filing of this case under chapter 11, rather than chapter 13, was appropriate. What are the results, if any, of the U.S. Trustee's investigation?

(b) Budget motion. First, it appears that the debtor's creditors have received conflicting notice of the deadline for oppositions to the motion. The debtor's notice of hearing on the budget motion (dkt. 31) incorrectly advised creditors that the motion was being heard on regular notice, with oppositions due 14 days prior to the hearing. The debtor's creditors were also served with a copy of this court's order setting this matter on shortened notice (dkt. 27, 33), which set 10/6/16 as the deadline for oppositions to the budget motion. For this reason, this court will permit creditors to submit their oppositions to the budget motion orally at the hearing.

Second, this court has concerns regarding some of the expenses listed (or, in some cases, not listed) on the debtor's proposed budget. The debtor lists his residential address at 1352 E. 71st Street, Los Angeles, CA 90001. That is not the address of his real property, which he rents to a third party. Yet, the debtor lists no monthly payments for rent for his residence. How is it that the debtor has no monthly rent expense?

Additionally, the debtor listed monthly payments of \$164 on the secured claim held by Deardens in his Schedule D (dkt. 1, p. 23). What is the debtor's position regarding this claim and what payments must or must not be made?

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Antonio Pereyra Garcia

Chapter 11

Finally, the debtor lists a 1992 Chevy Suburban in his Schedule B, but lists no monthly expenses for vehicle insurance. Is that vehicle not insured?

(2) Deadlines/dates. This case was filed on 8/30/16.

(a) Bar date: 12/1/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 12/13/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a later time).

(c) Continued status conference: 11/8/16 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 9/27/16:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues

(a) Chapter 11 vs. Chapter 13. Why is this case in chapter 11 instead of chapter 13? It appears that the debtor is within the debt limits for chapter 13, and chapter 11 typically is far more expensive, so it seems doubtful that the debtor needs or can afford a chapter 11 case.

(b) Cash collateral and budget motions. In his case status report (dkt. 15), the debtor states his intention to file his cash collateral and budget motions no later than 9/16/16. Does any creditor have a security interest in the rents received from the rental property (or any other cash collateral)? If so, has the debtor been using cash collateral without court authority? As of the preparation of this tentative ruling (9/20/16), no cash collateral or budget motions have been filed. Why not?

(c) Status Report (dkt. 15). The debtor fails to say what caused the bankruptcy, and the principal financial and legal issues that he forsees.

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CONT... Antonio Pereyra Garcia

Chapter 11

Presumably he lost a job or other income, fell behind in mortgage payments, moved out of his principal residence and rented it out to increase monthly cash flow, and will propose to cure arrears over time while maintaining regular monthly mortgage payments (perhaps on different terms). Is that so?

(2) Deadlines/dates. This case was filed on 8/30/16. If this court decides not to convert this case to another chapter, the debtor should be prepared to discuss relevant dates and deadlines, including a proposed claims bar date, a deadline for the filing of a chapter 11 plan and disclosure statement and a continued status conference date and time.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Antonio Pereyra Garcia

Represented By
Onyinye N Anyama

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Hearing Room 1545

2:00 PM

2:09-34215 Patrick Matthewson

Chapter 13

Adv#: 2:16-01061 Matthewson et al v. Shellpoint Mortgage Servicing et al

#1.00 Pretrial conference re: Complaint for:
1) Declaratory relief; 2) Specific performance
fr. 4/12/16, 5/31/16, 8/2/16

Docket 1

***** VACATED *** REASON: This court has issued its order approving the parties' stipulation to continue the pretrial conference to 11/8/16 at 2:00 p.m. (adv. dkt. 17).**

Tentative Ruling:

Party Information

Debtor(s):

Patrick Matthewson

Represented By
Caroline S Kim

Defendant(s):

BAC HOME LOANS SERVICING,

Pro Se

BANK OF NEW YORK AS

Pro Se

Shellpoint Mortgage Servicing

Pro Se

Joint Debtor(s):

Veronica Matthewson

Represented By
Caroline S Kim

Plaintiff(s):

Patrick Matthewson

Represented By
Raymond Gaitan

Veronica Matthewson

Represented By
Raymond Gaitan

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CONT... Patrick Matthewson

Chapter 13

Trustee(s):

Kathy A Dockery (TR) Pro Se

Kathy A Dockery (TR) Pro Se

U.S. Trustee(s):

United States Trustee (LA) Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:15-27384 Richard John McDonald

Chapter 13

Adv#: 2:16-01069 LoanMe, Inc. v. McDonald

#2.00 Pretrial Conference re: Complaint to
Determine Dischargeability of Debt
fr. 4/26/16

Docket 1

***** VACATED *** REASON: Stipulated judgment entered 7/14/16 (adv.
dkt. 12).**

Tentative Ruling:

Party Information

Debtor(s):

Richard John McDonald

Represented By
Heather J Canning

Defendant(s):

Richard John McDonald

Pro Se

Plaintiff(s):

LoanMe, Inc.

Represented By
David W Brody

Trustee(s):

Kathy A Dockery (TR)

Pro Se

Kathy A Dockery (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1545

2:00 PM

2:16-11220 Andrew Babakhanlou

Chapter 13

Adv#: 2:16-01075 Issaghoulian v. Babakhanlou

#3.00 Pretrial conference re: Complaint for nondischargeability
to 11 U.S.C. section 523 (a)(2) and 11 U.S.C. section 523(a)(4)
fr. 4/26/16, 6/21/16, 8/9/16

Docket 1

***** VACATED *** REASON: This matter is scheduled to be heard on
11/08/16 at 2:00 p.m.**

Tentative Ruling:

Party Information

Debtor(s):

Andrew Babakhanlou

Represented By
Matthew D Resnik
Kevin T Simon

Defendant(s):

Andrew Babakhanlou

Pro Se

Plaintiff(s):

Vrej Issaghoulian

Represented By
Armen Shaghzo

Trustee(s):

Kathy A Dockery (TR)

Pro Se

Kathy A Dockery (TR)

Pro Se

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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2:00 PM

2:13-13775 AWTR Liquidation Inc

Chapter 11

Adv#: 2:15-01095 Solution Trust, as Trustee of the AWTR LIQUIDATION v. Hughes et al

#4.00 Cont'd status conference re: Complaint for recovery of money/property; preference; subordination of claim or interest
fr. 4/28/15, 5/12/15, 6/16/15, 09/01/15, 10/06/15, 11/10/15, 01/19/16, 2/23/16, 3/22/16, 4/5/16, 6/21/16

Docket 23

Tentative Ruling:

Tentative Ruling for 10/11/16:

Please see the tentative ruling for calendar no. 5 (10/11/16 at 2:00 p.m.).

Tentative Ruling for 6/21/16:

Please see the tentative ruling for calendar no. 5 (6/21/16 at 2:00 p.m.).

Tentative Ruling for 3/22/16:

Please see the tentative ruling for calendar no. 9 (3/22/16 at 2:00 p.m.).

Tentative Ruling for 2/23/16:

Please see the tentative ruling for calendar no. 17 (2/23/16 at 2:00 p.m.).

Tentative Ruling fo 11/10/15:

Appearances required but telephonic appearances are encouraged if arrangements are made with Court Call (www.courtcall.com) before 10:00 a.m. on 11/10/15. Note: this is a deviation from Judge Bason's posted procedures (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

On 11/9/15, this court granted a telephonic request for a hearing on shortened notice as authorized by Judge Bason's posted procedures (available on Judge Bason's portion of the Court's website at www.cacb.uscourts.gov) and LBR 9075-1. Based on the request for hearing, it is this court's understanding that the parties seek to discuss (1) the status of

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CONT... AWTR Liquidation Inc

Chapter 11

the pending motions to dismiss and (2) the manner for this adversary proceeding to proceed in the interim. Before addressing these issues, this court will determine whether all interested parties have received adequate notice of this hearing.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

AWTR Liquidation Inc

Represented By

Brian L Davidoff

Claire E Shin

C John M Melissinos

Jeffrey A Krieger

Courtney E Pozmantier

Danielle A Pham

Defendant(s):

David Weinberg

Pro Se

Raymond Feeney

Represented By

Joshua T Foust

CCC Diagnostics LLC

Pro Se

2100 Grand LLC

Pro Se

Rhythm & Hues Sdn. Bhd

Pro Se

Pauline Ts'o

Represented By

Scott J Spolin

John Patrick Hughes

Represented By

Scott J Spolin

Keith Goldfarb

Pro Se

Prashant Buyyala

Pro Se

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CONT... AWTR Liquidation Inc

Chapter 11

Lee Berger

Represented By
John B Marcin

Interested Party(s):

Courtesy NEF

Represented By
James Andrew Hinds Jr
Paul R Shankman
Barouir B Yeretizian
Brian E Shear

Plaintiff(s):

SOLUTION TRUST, as Trustee of

Represented By
Gary E Klausner
Todd M Arnold
Angela J Somers

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

**United States Bankruptcy Court
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2:00 PM

2:13-13775 AWTR Liquidation Inc

Chapter 11

#5.00 Cont'd status conference re: Post confirmation
fr. 3-5-13, 4-9-13, 5-21-13, 7-2-13, 8-13-13,
8-27-13, 10-15-13, 10-18-13, 12-13-13, 3-4-14,
7/8/14, 9/16/14, 10/28/14, 12/16/14, 3/3/15,
3/10/15, 5/12/15, 6/16/15, 09/01/15, 10/06/15,
11/17/15, 01/19/16, 2/23/16, 3/22/16, 6/21/16

Docket 41

Tentative Ruling:

Tentative Ruling for 10/11/16:

Continue to 2/21/17 at 2:00 p.m., at which time this court anticipates setting a trial date, in view of the anticipated mediation in January of 2017 (see dkt. 188, 190). Appearances are not required on 10/11/16.

If you wish to dispute the above tentative ruling, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "tentative rulings".

Revised Tentative Ruling for 6/21/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Background. This Bankruptcy Court has issued written Opinions on the defendants' motions to dismiss and/or for a more definite statement, both (a) regarding this Court's jurisdiction/authority (Adv. No. 2:15-ap-01095-NB, dkt. 110) and (b) regarding directors' and officers' liability (*id.*, dkt. 111). The plaintiff subsequently filed its first amended complaint ("FAC," dkt. 154).

(2) Answers (adv. dkt. 160, 161, 163, 164, 165, 166). At least one of the answers (Berger Answer, dkt. 165, n.2 at p.16:26-28) appears to seek a withdrawal of the reference. Any such request must be made via a separate motion, filed with this Bankruptcy Court and then transmitted to the District Court for its determination. In addition, some defendants have asserted jury

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CONT... AWTR Liquidation Inc

Chapter 11

rights, and all of the defendants have stated that they do not consent to this Court's entry of a final judgment and/or order (see dkt. 169, p. 4, para. F).

The tentative ruling is to interpret all of these things as statements by the defendants that are only intended to preserve their rights, not to seek any rulings by this Bankruptcy Court. In any event, the tentative ruling is not to issue any further rulings at this time on any such issues.

(3) Joint status report (adv. dkt. 169) and mediation. All parties request mediation, and they have agreed to an informal discovery process prior to such mediation (see dkt. 169, Attachment). The tentative ruling is to adopt the proposed deadlines and procedures set forth in that Attachment as an order of this Bankruptcy Court and:

(a) to set a deadline of 6/28/16 for the parties to lodge a simple order directing them to mediation and incorporating that Attachment,

(b) to provide in that order that the local rules applicable to mediations will apply, except for whatever procedures the mediator or his organization (JAMS) require, and

(c) to set a deadline of 6/28/16 for the parties to lodge an order that establishes the other deadlines and dates set forth below (e.g., by attaching the relevant portion of this tentative ruling).

(4) Deadlines: This adversary proceeding has been pending since 2/13/15.

Discovery cutoff (for *completion* of discovery after mediation): 6/5/17

Expert(s) - deadline for reports: 6/19/17

Expert(s) - discovery cutoff (if different from above): 7/5/17

Dispositive motions to be heard no later than: 9/19/17

Joint Status Report: 9/27/16

Continued status conference: 10/11/16 at 2:00 p.m.

Trial commencement: TBD (Judge Bason's calendar for 2017 is not yet established, and it is anticipated that the trial date would be set at the continued status conference)

Lodge Joint Proposed Pre-Trial Order: TBD

Pretrial conference: TBD

Deliver trial exhibits to other parties and chambers (2 copies to chambers), including direct testimony by declaration unless excused: TBD (for the format of exhibits and other trial procedures, please see Judge Bason's Procedures (posted at www.cacb.uscourts.gov) then search for "Trial

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CONT... AWTR Liquidation Inc
Practice")

Chapter 11

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 6/21/16:

This court anticipates posting a tentative ruling at a later time.

Tentative Ruling for 3/22/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Opinions. On 3/11/16, this Court issued two opinions resolving the defendants' motions to dismiss (Adv. dkt. 110, 111). As explained in those opinions, this Court has not yet issue conforming orders (intending *not* to cause the timing for appeal to begin running). The parties should be prepared to address how to proceed in view of these opinions.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 2/23/16:

Appearances required but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Memorandum decision. Before this hearing, this court intends to issue a memorandum decision setting forth its reasoning on this matter, but *not* conforming order/orders (intending *not* to cause the timing for appeal to begin running). The parties should be prepared to address how to proceed in view of that decision.

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for

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CONT... **AWTR Liquidation Inc**
disposition at this hearing.

Chapter 11

Tentative Ruling for 10/6/15:

[no written tentative ruling was posted; Judge Bason made his oral tentative ruling at the hearing]

Tentative Ruling for 9/1/15:

Please see the tentative ruling for calendar no. 4 (9/1/15 at 2:00 p.m.).

Party Information

Debtor(s):

AWTR Liquidation Inc

Represented By

Brian L Davidoff

Claire E Shin

C John M Melissinos

Jeffrey A Krieger

Courtney E Pozmantier

Danielle A Pham

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2:00 PM

2:13-26483 Saeed Cohen

Chapter 11

Adv#: 2:15-01334 Official Committee of Creditors Holding Unsecured v. Brager Tax Law

#6.00 Cont'd Status Conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 01/05/16, 02/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16, 7/19/16, 8/9/16, 9/6/16

Docket 1

***** VACATED *** REASON: Cont'd to 11/1/16 at 2:00 p.m. [dkt. 31]**

Tentative Ruling:

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young

Defendant(s):

Dennis N. Brager, a Professional

Pro Se

Brager Tax Law Group, a

Pro Se

Plaintiff(s):

Official Committee of Creditors

Represented By
Christopher Celentino

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

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2:00 PM

2:13-26483 Saeed Cohen

Chapter 11

Adv#: 2:15-01331 Official Committee of Creditors Holding Unsecured v. Mayer Hoffmann

#7.00 Cont'd Status Conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 1/5/16, 02/23/16, 2/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16, 7/19/16, 8/9/16, 9/6/16

Docket 1

***** VACATED *** REASON: Cont'd to 11/1/16 at 2:00 p.m. [dkt. 28]**

Tentative Ruling:

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young

Defendant(s):

Mayer Hoffmann McCann P.C.

Pro Se

Plaintiff(s):

Official Committee of Creditors

Represented By
Christopher Celentino

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

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2:00 PM

2:13-26483 Saeed Cohen

Chapter 11

Adv#: 2:15-01330 Official Committee of Creditors Holding Unsecured v. Cohen

#8.00 Cont'd status conference re: Complaint for recovery of fraudulent conveyances pursuant to Cal.Civ.Code sections 3439, 11 U.S.C. sections 544, 548, 550, and for setoff pursuant to 11 U.S.C. section 553 fr. 01/05/16, 2/23/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16 6/7/16, 8/9/16, 9/6/16

Docket 1

***** VACATED *** REASON: Cont'd to 11/1/16 at 2:00 p.m. [dkt. 20]**

Tentative Ruling:

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young

Defendant(s):

Fariba Cohen

Pro Se

Plaintiff(s):

Official Committee of Creditors

Represented By
Christopher Celentino

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

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2:00 PM

2:13-26483 Saeed Cohen

Chapter 11

Adv#: 2:15-01333 Official Committee of Creditors Holding Unsecured v. Kolodny & Anteau, a

#9.00 Cont'd Status Conference re: Complaint for recovery of
fraudulent conveyances pursuant to Cal.Civ.Code
sections 3439, 11 U.S.C. sections 544, 548, 550,
and for setoff pursuant to 11 U.S.C. section 553
fr. 01/05/16, 02/23/16, 03/22/16, 04/05/16, 04/12/16,
7/19/16

Docket 1

***** VACATED *** REASON: Cont'd to October 25, 2016 at 2:00 p.m.
[dkt. 42]**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young

Defendant(s):

Ronald W. Anteau, a Professional	Pro Se
Stephen A. Kolodny, a Professional	Pro Se
Kolodny & Anteau, a Partnership of	Pro Se
Kolodny Law Group, a Professional	Pro Se

Plaintiff(s):

Official Committee of Creditors	Represented By Christopher Celentino
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2:00 PM

CONT... Saeed Cohen

Chapter 11

U.S. Trustee(s):

United States Trustee (LA)

Pro Se

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2:13-26483 Saeed Cohen

Chapter 11

#10.00 Cont'd status conference re: Post confirmation
fr. 07-30-13, 09-03-13, 10-01-13, 10-08-13,
12-10-13, 12-17-13, 1-7-14, 02-11-14, 2-18-14,
3-18-14, 5-14-14, 6-25-14, 7/1/14, 7/10/14,
7/24/14, 7/29/14, 7/31/14, 08/19/14, 8/25/14,
9/16/14, 10/21/14, 11/13/14, 11/18/14, 12/16/14,
1/13/15, 1/16/15, 1/22/15, 1/30/15, 2/3/15, 3/11/15,
3/16/15, 3/31/15, 4/6/15, 4/28/15, 5/12/15, 5/26/15,
7/10/15, 7/16/15, 7/20/15, 8/27/15, 9/22/15, 9/28/15,
10/13/15, 11/17/15, 12/8/15, 12/15/15, 12/28/15,
1/19/16, 2/2/16, 03/22/16, 4/5/16, 4/12/16, 5/16/16
6/7/16, 6/21/16, 7/19/16, 8/2/16, 8/9/16
fr. 9/6/16

Docket 1

***** VACATED *** REASON: Cont'd to 11/1/16 at 2:00 p.m. [dkt. 1350]**

Tentative Ruling:

Party Information

Debtor(s):

Saeed Cohen

Represented By
Ron Bender
Krikor J Meshefejian
Kurt Ramlo
Beth Ann R Young